

| | | |
|--|--|--|
| Streamlined Annual PHA Plan <i>(High Performer PHAs)</i> | U.S. Department of Housing and Urban Development Office of Public and Indian Housin | OMB No. 2577-0226 Expires: 03/31/2024 |
|--|--|--|

Purpose. The 5-Year and Annual PHA Plans provide a ready source for interested parties to locate basic PHA policies, rules, and requirements concerning the PHA’s operations, programs, and services, including changes to these policies, and informs HUD, families served by the PHA, and members of the public of the PHA’s mission, goals and objectives for serving the needs of low- income, very low- income, and extremely low-income families.

Applicability. The Form HUD-50075-HP is to be completed annually by High Performing PHAs. PHAs that meet the definition of a Standard PHA, Troubled PHA, HCV-Only PHA, Small PHA, or Qualified PHA do not need to submit this form.

Definitions

- (1) High-Performer PHA – A PHA that owns or manages more than 550 combined public housing units and housing choice vouchers and was designated as a high performer on both the most recent Public Housing Assessment System (PHAS) and Section Eight Management Assessment Program (SEMAP) assessments.
- (2) Small PHA - A PHA that is not designated as PHAS or SEMAP troubled, and that owns or manages less than 250 public housing units and any number of vouchers where the total combined units exceed 550.
- (3) Housing Choice Voucher (HCV) Only PHA - A PHA that administers more than 550 HCVs, was not designated as troubled in its most recent SEMAP assessment and does not own or manage public housing.
- (4) Standard PHA - A PHA that owns or manages 250 or more public housing units and any number of vouchers where the total combined units exceed 550, and that was designated as a standard performer in the most recent PHAS or SEMAP assessments.
- (5) Troubled PHA - A PHA that achieves an overall PHAS or SEMAP score of less than 60 percent.
- (6) Qualified PHA - A PHA with 550 or fewer public housing dwelling units and/or housing choice vouchers combined and is not PHAS or SEMAP troubled.

| A. | PHA Information. | | | | | | | | | | | | | | | | | | | | |
|--------------------|---|--------------------|----------|-----------------------------|---------------------------------|------------------------------|---------------------------------|------------------------------|-----|-----------|--|--|--|--|--|--|--|--|--|--|--|
| A.1 | <div> <div> PHA Name: Grand Rapids Housing Commission (GRHC) PHA Code: MI073 </div> <div> PHA Type: <input checked="" type="checkbox"/> High Performer </div> <div> PHA Plan for Fiscal Year Beginning: July 1, 2023 (GRHC Fiscal Year 2024) </div> <div> PHA Inventory (Based on Annual Contributions Contract (ACC) units at time of FY beginning, above) </div> <div> Number of Public Housing (PH) Units: 203 Number of Housing Choice Vouchers (HCVs): 3,458 </div> <div> Total Combined: 3,661 </div> <div> PHA Plan Submission Type: <input checked="" type="checkbox"/> Annual Submission <input type="checkbox"/> Revised Annual Submission </div> </div> <p>Availability of Information. In addition to the items listed in this form, PHAs must have the elements listed below readily available to the public. A PHA must identify the specific location(s) where the proposed PHA Plan, PHA Plan Elements, and all information relevant to the public hearing and proposed PHA Plan are available for inspection by the public. Additionally, the PHA must provide information on how the public may reasonably obtain additional information of the PHA policies contained in the standard Annual Plan but excluded from their streamlined submissions. At a minimum, PHAs must post PHA Plans, including updates, at each Asset Management Project (AMP) and main office or central office of the PHA. PHAs are strongly encouraged to post complete PHA Plans on their official website. PHAs are also encouraged to provide each resident council a copy of their PHA Plans.</p> <p>Locations where the public may view and/or obtain copies of the proposed PHA Plan, PHA Plan Elements, and all information relevant to the public hearing and proposed PHA Plan; the final PHA Plan documents will also be available at the locations below:</p> <ol style="list-style-type: none"> GRHC Administrative Office, 1420 Fuller Ave. SE, Grand Rapids, MI GRHC web site: www.grhousing.org GRHC asset management project offices: <ul style="list-style-type: none"> Adams Park Apartments, 1440 Fuller Ave. SE, Grand Rapids, MI Antoine Court Apartments, 901 Division Ave. S, Grand Rapids, MI Campau Commons Apartments, 821 Division Ave. S, Grand Rapids, MI Creston Plaza Apartments, 1080 Creston Plaza Dr. NE, Grand Rapids, MI Hope Community, 1024 Ionia SW, Grand Rapids, MI Leonard Terrace Apartments, 1315 Leonard St. NE, Grand Rapids, MI Mount Mercy Apartments, 1425 Bridge St. NW, Grand Rapids, MI Ransom Tower Apartments, 50 Ransom Ave. NE, Grand Rapids, MI Sheldon Apartments, 1010 Sheldon SE, Grand Rapids, MI <div> <input type="checkbox"/> PHA Consortia: (Check box if submitting a Joint PHA Plan and complete the table below) <table border="1"> <tr> <th rowspan="2">Participating PHAs</th><th rowspan="2">PHA Code</th><th rowspan="2">Program(s) in the Consortia</th><th rowspan="2">Program(s) not in the Consortia</th><th colspan="2">No. of Units in Each Program</th></tr> <tr> <th>PH</th><th>HCV</th></tr> <tr> <td>Lead PHA:</td><td></td><td></td><td></td><td></td><td></td></tr> <tr> <td></td><td></td><td></td><td></td><td></td><td></td></tr> </table> </div> | Participating PHAs | PHA Code | Program(s) in the Consortia | Program(s) not in the Consortia | No. of Units in Each Program | | PH | HCV | Lead PHA: | | | | | | | | | | | |
| Participating PHAs | PHA Code | | | | | Program(s) in the Consortia | Program(s) not in the Consortia | No. of Units in Each Program | | | | | | | | | | | | | |
| | | PH | HCV | | | | | | | | | | | | | | | | | | |
| Lead PHA: | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | |
| B. | Plan Elements | | | | | | | | | | | | | | | | | | | | |
| B.1 | Revision of Existing PHA Plan elements. <p>(a) Have the following PHA Plan elements been revised by the PHA since its last Annual PHA Plan submission?</p> | | | | | | | | | | | | | | | | | | | | |

| | |
|------------------------------|--|
| B.1 (cont.) | <div> <div> <div>Y</div> <div>N</div> </div> <div> <input checked="" type="checkbox"/> <input type="checkbox"/> Statement of Housing Needs and Strategy for Addressing Housing Needs. </div> <div> <input checked="" type="checkbox"/> <input type="checkbox"/> Deconcentration and Other Policies that Govern Eligibility, Selection and Admissions. </div> <div> <input checked="" type="checkbox"/> <input type="checkbox"/> Financial Resources. </div> <div> <input checked="" type="checkbox"/> <input type="checkbox"/> Rent Determination. </div> <div> <input checked="" type="checkbox"/> <input type="checkbox"/> Homeownership Programs. (See “New Activities,” “Scattered Sites (MI073000004)” on page 5; describes planned disposition of 15 Homeownership units) </div> <div> <input type="checkbox"/> <input checked="" type="checkbox"/> Safety and Crime Prevention. </div> <div> <input type="checkbox"/> <input checked="" type="checkbox"/> Pet Policy. </div> <div> <input type="checkbox"/> <input checked="" type="checkbox"/> Substantial Deviation. </div> <div> <input type="checkbox"/> <input checked="" type="checkbox"/> Significant Amendment/Modification </div> </div> |
| | <div> <p>(b) If the PHA answered yes for any element, describe the revisions for each element below.</p> <p>(c) The PHA must submit its Deconcentration Policy for Field Office Review.</p> <p>The GRHC’s Deconcentration Policy is provided as Attachment A.</p> <p><u>Revisions to the Statement of Housing Needs and Strategy for Addressing Housing Needs</u></p> <p>The GRHC has adopted the Housing Needs Assessment that’s incorporated within the July 1, 2021 - June 30, 2026 Regional Consolidated Housing and Community Development Plan for the City of Grand Rapids and Kent County. See excerpt provided in Attachment B.</p> <p><u>Revisions to Policies that Govern Eligibility, Selection and Admissions</u></p> <p>The GRHC was selected as a Moving to Work (MTW) agency in 2022 as part of the Asset Building Cohort Expansion. As a result, the GRHC has revised multiple policies in both the Section 8 Administrative Plan and LIPH ACOP to reflect implementation of planned MTW flexibilities and needed updates based on regulations and operational practices. The Administrative Plan and ACOP are included here as Attachments G and H for review by program participants, community partners, service providers and the general public, and for HUD review and approval. A summary of changes made to the Administrative Plan and ACOP arising from planned MTW activities and the GRHC’s 2023 MTW Certifications of Compliance are provided as Attachments C and D. The GRHC’s 2023 MTW Supplement has been uploaded to the HUD Housing Information Portal.</p> <p>Prior to this concentrated effort to update the plans for incorporation of MTW flexibilities and other necessary revisions in January - March 2023, the GRHC did revise selected sections of the Administrative Plan as outlined below.</p> <p>The GRHC amended its Section 8 Administrative Plan, Chapter 4, “Applications, Waiting List and Tenant Selection,” Part III, “Selection for HCV Assistance,” Section 4-III.B, “Selection and HCV Funding Sources,” to add targeted funding categories for participants in the GRHC’s Foster Youth to Independence and Emergency Housing Voucher programs; this change was approved by the Housing Commission on 4/19/2022.</p> <p>During September 2022 the GRHC received Housing Commission approval to partner with the Kent County Continuum of Care to pursue an award of Stability Vouchers, with the goal of assisting households experiencing or at risk of homelessness, those fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking, or human trafficking, and veterans and families that include a veteran family member who meets one of the preceding criteria. This award is still pending with HUD.</p> <p>During October 2022 the GRHC updated its Housing Choice Voucher Program Administrative Plan, Chapter 17, Project-Based Vouchers, in support of agency efforts to promote expanded availability of affordable housing by providing Project-Based Vouchers to qualified housing developers. The following text was added to Chapter 17:</p> <div> <p>Prior to HOTMA, the regulation at Section 983.207(b) stipulated that a HAP contract could be amended to add units only during the three-year period following the HAP execution date, and that, within this time frame, a new PBV Request for Proposals would not be required. HOTMA overrides the regulation, stating that new units may be added at any time during the term of the HAP contract without being subject to competitive selection procedures.</p> <p>As of April 18, 2017, any existing PBV HAP contract including a contract entered into prior to April 18, 2017, may be amended to add units by mutual agreement of the PHA and owner without competitive selection. The amendment is subject to all PBV requirements, including those requirements described below.</p> <ol style="list-style-type: none"> (1) Percentage limitation. The amendment must comply with Section 8(o)(13)(B) and 24 CFR Section 983.6, which require that a PHA may project-base not more than 20 percent of its authorized units, with some types of units excepted from this program cap. HOTMA changed how this percentage limitation is to be calculated. See Attachment C and Appendix I of PIH 2017-21 for instructions on how to make the calculation and report the results to HUD, both of which must be done prior to amending a contract to add units. (2) Income-mixing requirement (project cap). The amendment must comply with Section 8(o)(13)(D) and 24 CFR Section 983.56, which limit the number or percentage of units in any one project to which PBV assistance may be attached, with exceptions for certain types of units. HOTMA made changes to the income-mixing requirement. See Attachment E of PIH 2017-21 for further information on the PBV income-mixing requirement. Any units added on or after April 18, 2017, must fall under one of the HOTMA exception categories in order for the unit to be excepted from the income-mixing requirement. (3) Rent reasonableness. The rents for the units added to the contract via amendment must comply with Section 8(o)(10)(A) and Section 983.303, which require that rents be reasonable. If the units newly added to the contract have rents that do not exceed the rents charged for units under the original contract or for comparable unassisted units in the project, then the rents for the newly added units will be considered to be reasonable. (4) Administrative Plan. Whether to add units to a contract is an option that is available at the discretion of a PHA. A PHA that intends to add PBV units in this manner must state in its Administrative Plan that it will do so and must provide its rationale for adding PBV units to specific projects. (5) Amendment of RAD PBV HAP contract. A PHA may not amend a RAD PBV HAP contract to add units above the number included in the initial contract. </div> </div> |

**B.1
(cont.)**

A PHA may amend its PBV HAP contract to add units without competitive selection during the term of an initial HAP contract or during the term of any extension of the contract. The amendment may also occur at the point of initial contract extension or at the point of any subsequent extension, so that the contract extension will have a greater number of units than the previous contract. However, the anniversary and expiration dates of the HAP contract for the additional units must be the same as the anniversary and expiration dates of the HAP contract term for the PBV units originally in place under the HAP contract.

24 CFR Section 983.58(c) does not apply when PBV units are added to a current PBV HAP contract. In other words, an environmental review is not required, and there is therefore no need for any sort of determination by a responsible entity.

During 2022 eleven Project-Based Vouchers were awarded non-competitively to the GRHC's Mount Mercy Apartments, which serves seniors ages 55 and older.

On 12/20/2022, the Housing Commission approved an expansion of the Grand Rapids Housing Commission service area to include not only Kent County but also Ottawa County, Michigan. This expands the pool of available units in our very competitive housing market and also empowers more West Michigan households to access housing assistance.

In late 2022 the GRHC amended the ACOP for Hope Community Rapid Re-Housing Program to allow for service to any family with children that is experiencing homelessness; this change was made to ensure continuing compliance with Fair Housing laws.

During fall 2022 the GRHC was selected to participate in the HUD Moving to Work (MTW) Asset Building Cohort. In addition to launching an asset-building initiative that will empower a group of randomly selected households to build personal savings, the Housing Commission plans to implement a number of MTW waivers that will affect rent determination as well as eligibility and admission to certain programs. Specific waivers related to eligibility, selection and admissions that are slated for implementation include:

Housing Quality Standards (HQS):

- a. Pre-Qualifying Unit Inspections (HCV). The GRHC may allow pre-qualifying unit inspections (also known as a pre-inspection).
- b. Third-Party Requirement (HCV). The GRHC may perform HQS inspections on PBV units that it owns, manages and/or controls.
- c. Alternative Inspection Schedule (HCV). The GRHC may establish a local inspection schedule for all or a portion of its HCV units.

A summary of planned waiver implementation is provided in Attachment C; the GRHC's 2023 MTW Supplement is available on the HUD Housing Information Portal.

Financial Resources

During 2022 the GRHC sold 13 of 40 vacant non-ACC parcels acquired from the City of Grand Rapids more than 15 years ago; the parcels had been slated for development under the HUD HOPE VI program, however, HOPE VI grants were not awarded. During the year ahead the GRHC hopes to sell the remaining vacant parcels (none are part of an ACC). Funds from these sales will be used for future rehabilitation and/or development projects.

During 2023 the GRHC hopes to sell 15 Scattered Sites single-family homes through the Section 18-Scattered Sites Asset Repositioning initiative; see Section B.2 of this plan for details. Funds from these sales will be used for rehabilitation and/or development projects.

Current allocations of Capital Funds allotted to GRHC are outlined in the Capital Fund Program Five-Year Action Plan approved on July 11, 2022 (available in the HUD Energy and Performance Information Center (EPIC) Secure System). The GRHC is in the process of planning and implementing an asset repositioning strategy for our Low-Income Public Housing (LIPH) units. Depending on the repositioning option selected by GRHC, future Operating Funds and Capital Funds may be impacted. For example, a RAD Section 18 Blend would still provide Operating and Capital Funds under Asset Repositioning Fees and Disposition/Demolition Transitional Funding for a limited period. If Streamlined Voluntary Conversion is the repositioning option determined most viable, Section 9 funds (Operating and Capital) would no longer be available for use by the agency.

We anticipate any reduction in Capital Fund grants will be offset by funds received through the Section 8 Project-Based Voucher program and gained through private investment in the affected developments. By providing the financial stability that will help us to attract private funding, these activities support a 2020-2024 Five-Year PHA Plan maintenance goal to "Maintain the Housing Commission real estate in good condition" as well as a specific community planning goal to "Address a community need cited in the Kent County, City of Grand Rapids and City of Wyoming Regional Consolidated Housing and Community Development Plan by making affordable housing opportunities more available to low-income and very low-income families."

For more information about the GRHC's financial resources, please reference the Proposed Operating Budget for the fiscal year ending 6/30/23 included as Attachment E.

During 2023, the GRHC plans to implement funding flexibilities as permitted under the MTW designation and waivers that will impact financial resources due to administrative process changes (savings) and funding landlord incentives and vacancy losses (outlays). Specific waivers include:

Landlord Leasing Incentives:

- a. Vacancy Loss (HCV - Tenant-Based Assistance). To incentivize a landlord's continued participation in the HCV program, the agency may make a vacancy loss payment equal to one month's contract rent to the landlord.
- b. Other Landlord Incentives (HCV - Tenant-Based Assistance). In order to encourage landlord retention and incentivize new landlords to join the HCV program, the GRHC may provide incentive payments. The GRHC may target incentive payments to landlords leasing properties in high-opportunity neighborhoods or in areas where vouchers are difficult to use as defined in our Administrative Plan.

A summary of planned waiver implementation is provided in Attachment C; the GRHC's 2023 MTW Supplement is available on the HUD Housing Information Portal.

| | |
|--------------------------------------|---|
| <p>B.1 (cont.)</p> | <p><u>Revisions to Policies that Govern Rent Determination</u></p> <p>Effective January 1, 2023, the GRHC adopted payment standards that are 110 percent of the HUD-established Kent County Fair Market Rents (FMRs) for Federal Fiscal Year 2023. The GRHC updated the Kent County utility allowances used in the Section 8 Housing Choice Voucher and Low-Income Public Housing programs in compliance with 24 CFR part 982.517. Current FMR and utility allowance schedules are included in Attachment F.</p> <p>HUD increased the GRHC 2023 FMRs in late March based on a rent study and the agency is in the process of determining new payment standards based on this change, with an anticipated effective date of May 1, 2023.</p> <p>Effective January 1, 2023, the GRHC adopted flat rents that are 80 percent of the HUD-established Fair Market Rent (FMR) for Federal Fiscal Year 2023 for residents residing at our Low-Income Public Housing properties, Adams Park Apartments (MI073000001) and Scattered Sites (MI073000004).</p> <p>During December 2022 the Housing Commission approved an extension of the GRHC service area to include Ottawa County, Michigan; the GRHC has conducted a utility study and commenced implementation of service to Ottawa County on 4/1/2023. Rents for this jurisdiction are based on the 2023 HUD Fair Market Rents for Ottawa County.</p> <p>During March 2023 the Housing Commission adopted payment standards that are 110 percent of the HUD-established FMR for for Ottawa County for Federal Fiscal Year 2023 as well as CY 2023 utility allowances for Ottawa County. Program participants may begin leasing units in the expanded jurisdiction on April 1, 2023. Ottawa County FMR and utility allowance schedules are included in Attachment F.</p> <p>The GRHC plans to implement a number of MTW waivers related to payment standards, rent reasonableness and tenant reexaminations:</p> <p><u>Payment Standards and Rent Reasonableness:</u></p> <p>a. Rent Reasonableness—Third-Party Requirement (HCV). The GRHC may perform rent reasonableness determinations on PBV units that it owns, manages or controls.</p> <p><u>Tenant Reexaminations:</u></p> <p>a. Alternative Reexamination Schedule for Households (LIPH). The GRHC may establish an alternative reexamination schedule for households. b. Alternative Reexamination Schedule for Households (HCV). The GRHC may establish an alternative reexamination schedule for households. c. Self-Certification of Assets (LIPH). At reexamination, the GRHC may allow the self-certification of assets up to \$50,000. d. Self-Certification of Assets (HCV). At reexamination, the GRHC may allow the self-certification of assets up to \$50,000.</p> <p>The GRHC's Section 8 Administrative Plan and our Admissions and Continued Occupancy Policy (ACOP) for LIPH units have been edited to reflect the activities outlined in this section—see Attachments G and H.</p> <p>A summary of planned waiver implementation is provided in Attachment C; the GRHC's 2023 MTW Supplement is available on the HUD Housing Information Portal.</p> |
| <p>B.2</p> | <p>New Activities.</p> <p>(a) Does the PHA intend to undertake any new activities related to the following in the PHA's current Fiscal Year:</p> <p>Y N</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Hope VI or Choice Neighborhoods.</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Mixed Finance Modernization or Development.</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Demolition and/or Disposition.</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Conversion of Public Housing to Tenant Based Assistance.</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Conversion of Public Housing to Project-Based Rental Assistance or Project-Based Vouchers under RAD.</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Project-Based Vouchers.</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Units with Approved Vacancies for Modernization.</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Other Capital Grant Programs (i.e., Capital Fund Community Facilities Grants or Emergency Safety and Security Grants).</p> <p>(b) If any of these activities are planned for the current Fiscal Year, describe the activities. For new demolition activities, describe any public housing development or portion thereof, owned by the PHA for which the PHA has applied or will apply for demolition and/or disposition approval under section 18 of the 1937 Act under the separate demolition/disposition approval process. If using Project-Based Vouchers (PBVs), provide the projected number of project based units and general locations, and describe how project basing would be consistent with the PHA Plan.</p> <p><u>Adams Park Apartments (MI073000001), 188 units:</u></p> <p>A 2021 architectural inspection of Adams Park Apartments revealed that a plan to renovate the 50-year-old development using HUD grants and funds leveraged through federal Low-Income Housing Tax Credits may not be feasible due to the age and condition of plumbing and electrical systems that were built beneath the structure; these would not be replaceable in the event of failure.</p> <p>During the year ahead the GRHC will continue to plan for the total redevelopment of the 188-unit development. We anticipate that redevelopment financing will include HUD grants as well as LIHTC; the GRHC may choose to pursue funding through the Choice Neighborhoods program. We anticipate that the redevelopment process will take several years and will explore whether Streamlined Voluntary Conversion, a RAD/Section 18 Blend strategy or similar conversion option would be optimal for this development. During February 2023 the GRHC finalized an agreement with a development consultant/partner to assist with asset repositioning for Adams Park.</p> |

**B.2
(cont.)**

Located at 1440 Fuller Ave. SE in Grand Rapids, Adams Park serves disabled adults and seniors ages 62 or older; Adams Park will continue to serve these populations after redevelopment. Unit size and distribution will be determined during the planning process.

It is anticipated that conversion will require tenant relocation. Tenants will receive all applicable assistance available through the Uniform Relocation Act, including a Tenant Protection Voucher (TPV) and help locating comparable housing.

Hope Community Rapid Re-Housing Program, 24 units:

The GRHC continues to seek public and private funding and in-kind donations to support the renovation of our Hope Community Rapid Re-Housing program facilities. The GRHC may elect to seek funding through the LIHTC and/or Choice Neighborhoods programs.

During 2022 the GRHC filed a Notice of Intent to the City of Grand Rapids Community Development Department to apply for funds available under the City's Neighborhood Investment Plan, HOME-ARP and ERRIS Process, with the goal of obtaining funding for renovations and improvements at Hope Community. During January 2023 the GRHC responded to an invitation from the City to submit a proposal. During March 2023 the GRHC received notice that the proposal has been recommended for funding, with final Commission approval of a \$500,000 award anticipated in April.

Hope Community includes 24 units located at 1024 Ionia Avenue SW (12 units), 34/38 Albany St. SW (2 units), 35/37 Shelby St. SW (2 units), 43/47 Canton St. SW (2 units), 106/108 Putnam St. SW (2 units), 1043/1045 Ionia Ave. SW (2 units), and 1106/1108 Ionia Ave. SW (2 units).

Hope Community serves families experiencing homelessness; we will continue to serve this population after renovation. Bedroom distribution at Hope Community is (and will remain):

- 12 modular units that can be configured for one to three bedrooms.
- Two-bedroom duplex units (6 units).
- Three-bedroom duplex units (6 units).

It has not yet been determined whether renovations will require tenant relocation. If relocation becomes necessary, Tenants will receive all applicable assistance available through the Uniform Relocation Act.

The redevelopment of Adams Park and renovation of Hope Community support the following 2020-2024 Five-Year Plan goals:

Community Planning: "Address a community need cited in the Kent County, City of Grand Rapids and City of Wyoming Regional Consolidated Housing and Community Development Plan by making affordable housing opportunities more available to low-income and very low-income families."

Maintenance: "Maintain the Housing Commission real estate in good condition."

Scattered Sites (MI073000004), 15 units:

The GRHC currently has 15 single-family Scattered Sites units that are included in an existing home ownership program. The GRHC plans to pursue disposition of these units through a Section 18-Scattered Sites Asset Repositioning initiative. If HUD does not approve the disposition of the Scattered Sites units, the GRHC will strategize other options for rehabilitation and occupancy, which may require the units to be offline temporarily.

The units slated for disposition are:

All homes have three bedrooms with the exception of 716 Thomas St. SE, which has four bedrooms.

| | | | |
|---------------------|----------------------|------------------------|---------------------|
| 442 Adams St. SE | 650 Henry Ave. SE | 1127 Kalamazoo Ave. SE | 21 Shelby St. SE |
| 831 Bates St. SE | 1128 Fisk St. SE | 448 Oakdale St. SE | 716 Thomas St. SE |
| 424 Griggs St. SE | 2125 Francis Ave. SE | 461 Oakdale St. SE | 808 Woolsey Ave. SW |
| 500 Crawford St. SE | 2144 Horton Ave. SE | 465 Oakdale St. SE | |

The units will be offered for sale as follows:

1. Sale to the existing tenant(s) (first right of refusal) under the current homeownership program.
2. Sale to residents who are participants in the GRHC's Family Self-Sufficiency program at fair market value.
3. Sale to other eligible low-income households (income at or below 80% of Area Median Income) at fair market value.

Under the potential disposition strategies noted above, the current tenant may be eligible to receive a Tenant Protection Voucher (TPV) or relocation assistance under the Uniform Relocation Assistance & Real Property Acquisition Act. A tenant who qualifies for the GRHC's HCV Homeownership Program may use the TPV to meet mortgage eligibility requirements and apply HAP payments toward mortgage payments. Where relocation is necessary, GRHC will ensure assistance under the Uniform Relocation Act to help the tenant move to a comparable safe, sanitary and affordable dwelling unit.

The conversion of these Scattered Sites units support the following specific goals in our 2020-2024 Five-Year PHA Plan:

Maintenance: "Maintain the Housing Commission real estate in good condition."

Community Planning: "Address a community need cited in the Kent County, City of Grand Rapids and City of Wyoming Regional Consolidated Housing and Community Development Plan by making affordable housing opportunities more available to low-income and very low-income families."

Project-Based Voucher Program

On October 18, 2022, the Housing Commission approved the conversion of 11 units at Mount Mercy Apartments from the LIHTC program to the PBV program; this was an allowable expansion under the existing PBV HAP contract. Mount Mercy serves seniors ages 55 and older. This conversion supports the following 2020-2024 Five-Year Plan Community Planning goal: "Expand the role of the GRHC in community planning, particularly planning related to affordable housing opportunities" and the specific objective "Continue to seek and develop new avenues for providing affordable housing opportunities to our community's growing senior population, in particular programs and services that enhance senior citizens' ability to live independently and maintain quality of life."

| | |
|--------------------------------------|--|
| <p>B.2 (cont.)</p> | <p>During 2022 the GRHC amended Chapter 17 of its Section 8 Administrative Plan to expand the number of Project-Based Vouchers (PBVs) available under existing Housing Assistance Payment (HAP) contracts; the amendment also allows for the non-competitive award of PBVs. The GRHC has received HUD approval for 200 additional PBVs.</p> <p>During early 2023 the GRHC sought proposals from local developers interested in receiving Project-Based Vouchers in support of affordable housing development; up to 100 PBVs were made available to developers planning rehabilitation of existing units or new construction projects.</p> <p>The GRHC plans to implement a number of Project-Based Voucher waivers available under the Moving to Work program. Specific waivers include: <u>Project-Based Voucher Program Flexibilities:</u></p> <ol style="list-style-type: none"> Increase PBV Program Cap (HCV). The GRHC may increase the number of authorized units that it project-bases. Increase PBV Project Cap (HCV). The GRHC may raise the PBV cap within a project up to 100%. Elimination of PBV Selection Process for PHA-Owned Projects without Improvement, Development or Replacement (HCV). The GRHC may eliminate the selection process in the award of PBVs to properties owned by the agency that are not public housing without engaging in an initiative to improve, develop or replace a public housing property or site. The GRHC will use HUD's published Fair Market Rents (FMRs) to determine contract rent increases on an annual basis for PBVs utilized at its housing developments. The GRHC will no longer require a third party to conduct rent reasonableness tests at PBV properties the GRHC owns, manages or controls. <p>The Project-Based Voucher program activities described above support the following 2020-2024 Five-Year Plan goals: Community Planning: "Address a community need cited in the Kent County, City of Grand Rapids and City of Wyoming Regional Consolidated Housing and Community Development Plan by making affordable housing opportunities more available to low-income and very low-income families." Maintenance: "Maintain the Housing Commission real estate in good condition."</p> <p>The GRHC's Section 8 Administrative Plan and our Admissions and Continued Occupancy Policy (ACOP) for LIPH units have been edited to reflect the activities outlined in this section.</p> <p>A summary of planned waiver implementation is provided in Attachment C; the GRHC's 2023 MTW Supplement is available on the HUD Housing Information Portal.</p> <p>These PBV program activities support the following 2020-2024 Five-Year Plan goals: Community Planning, "Address a community need cited in the Kent County, City of Grand Rapids and City of Wyoming Regional Consolidated Housing and Community Development Plan by making affordable housing opportunities more available to low-income and very low-income families" and the specific objective "Expand access to housing opportunities through participation in the HUD Moving to Work program."</p> <p><u>Capital Grant Programs</u> GRHC was designated as a MTW agency in December 2022 and will modify its CFP budgets and activities to reflect the MTW BLI of 1492. GRHC may also use funding flexibilities for CFP funds as permitted by the MTW program.</p> |
| <p>B.3</p> | <p>Progress Report. Provide a description of the PHA's progress in meeting its Mission and Goals in the PHA 5-Year Plan.</p> <p>The Grand Rapids Housing Commission continues to make significant progress toward accomplishing its stated mission of providing housing assistance and affordable housing opportunities to lower income families, people with disabilities and senior citizens in a manner that is fiscally sound and in ways that support families, neighborhoods and economic self-sufficiency.</p> <p>Some of the most significant accomplishments of the past year follow; these support Five-Year Plan community planning, maintenance, equal opportunity and resident services goals.</p> <ul style="list-style-type: none"> Expanded our service area to include Ottawa County, Michigan. Negotiated with a development consultant/partner to expedite the planning process for a total redevelopment of Adams Park Apartments; Adams Park serves adults with disabilities and seniors ages 62 and older. Initiated exploration of City of Grand Rapids programs that may fund a major renovation of Hope Community Rapid Re-Housing program facilities; Hope Community serves families experiencing homelessness. Recommended for funding in March 2023. Worked with partner organizations to provide GRHC residents with continuing access to COVID-19 vaccination and testing as well as other health resources. Designated a HUD "Moving to Work" Demonstration Program participant in the Cohort 4 Asset-Building Initiative that strives to further the self-sufficiency goals of low-income households. Continued a partnership with Meals On Wheels Western Michigan to host on-site Dining Centers at four GRHC developments that serve seniors. Continued a partnership with the USDA "Meet Up & Eat Up" children's summer meal program administered locally through Grand Rapids Public Schools. Amended the GRHC's Family Self-Sufficiency Program Action Plan to expand access to tenants receiving PBV assistance. Offered orientation meetings to encourage resident participation in the GRHC Housing Choice Voucher Homeownership Program and celebrated two home purchases during 2022. Administered 42 Emergency Housing Vouchers in support of families experiencing homelessness, at risk of housing instability or fleeing domestic violence. Administered 10 vouchers through the GRHC's Foster Youth to Independence (FYI) program, which provides a rental subsidy and optional supportive services to youth who are aging out of the foster care system. Launched a Landlord Incentive Program to encourage greater access to housing for Housing Choice Voucher program participants. Conducted a Fair Market Rent Survey and shared data with HUD to help ensure that the FMR for FY 2023 would enable GRHC residents to find rental housing in a competitive marketplace; this resulted in an increase in FY 23 FMRs. |

| | |
|------------------------|--|
| B.3 (cont.) | <ul style="list-style-type: none"> Used a HUD Safety & Security Grant and Capital Funds to install a security surveillance system at Adams Park Apartments. Contracted with a security services provider to establish an on-site security officer presence at Adams Park, Hope Community and Antoine Court Apartments. Developed and implemented a new Minority-Owned Business Enterprise/Women-Owned Business Enterprise/Small Business Enterprise Policy that helps to ensure the GRHC meets HUD regulatory requirements related to supplier diversity and also does our part to offer equal opportunity to vendors that may struggle to compete with more established companies. |
| B.4 | <p>Capital Improvements. Include a reference here to the most recent HUD-approved 5-Year Action Plan in EPIC and the date that it was approved.</p> <p>Anticipated capital expenditures for the fiscal year that begins 7/1/2023 are included in the Capital Fund Program Five-Year Action Plan approved on July 11, 2022 (available in the HUD Energy and Performance Information Center (EPIC) Secure System).</p> |
| B.5 | <p>Most Recent Fiscal Year Audit.</p> <p>(a) Were there any findings in the most recent FY Audit? Y N <input checked="" type="checkbox"/> <input type="checkbox"/> Fiscal Year ended 6/30/22 (b) If yes, please describe :</p> <p>The audit identified one financial statement finding. Finding type: material weakness. Significant unreconciled variations were noted between the year-end primary operating cash bank balance per the bank statement and the cash balance recorded in the general ledger at June 30, 2022. Controls in place were deemed insufficient to identify and resolve potential material discrepancies.</p> <p>GRHC management acknowledged a lack of appropriate staff to ensure that existing procedures function as designed and also agreed that the existing processes and controls should be enhanced to ensure that discrepancies are detected and resolved in a timely manner. Management is actively seeking qualified candidates to fill a vacant financial department position and plans to improve procedures and controls over the cash reconciliation process.</p> |
| C. | Other Document and/or Certification Requirements. |
| C.1 | <p>Resident Advisory Board (RAB) Comments.</p> <p>(a) Did the RAB(s) provide comments to the PHA Plan? Y N <input type="checkbox"/> <input checked="" type="checkbox"/></p> <p>A Resident Advisory Board meeting was held on March 16, 2023, and the board reviewed the PHA Plan; no comments were provided. Meeting minutes are provided as Attachment I.</p> |
| C.2 | <p>Certification by State or Local Officials</p> <p><u>Form HUD-50077-SL</u>, <i>Certification by State or Local Officials of PHA Plans Consistency with the Consolidated Plan</i>, must be submitted by the PHA as an electronic statement to the PHA Plan.</p> <p>Included as Attachment J.</p> |
| C.3 | <p>Civil Rights Certification/Certification Listing Policies and Programs that the PHA has Revised since Submission of its Last Annual Plan</p> <p><u>Form 50077-ST-HCV-HP</u>, <i>PHA Certifications of Compliance with PHA Plan, Civil Rights, and Related Laws and Regulations Including PHA Plan Elements that Have Changed must be submitted by the PHA as an electronic attachment to the PHA Plan.</i></p> <p>Included as Attachment K.</p> |
| C.4 | <p>Challenged Elements. If any element of the PHA Plan is challenged, a PHA must include such information as an attachment with a description of any challenges to Plan elements, the source of the challenge, and the PHA's response to the public.</p> <p>(a) Did the public challenge any elements of the PHA Plan? Y N <input checked="" type="checkbox"/> <input type="checkbox"/></p> |

| | |
|------------------------|--|
| C.4 (cont.) | <p>If yes, include Challenged Elements.</p> <p>The GRHC received email comments from a representative of the Fair Housing Center of West Michigan regarding Attachment C, the draft revised LIPH Admissions and Continued Occupancy Plan (ACOP), Part III, “Denial of Admission,” specifically with regard to the use of criminal records in issuing denials. The comments encouraged the GRHC to review its protocols related to applicant notification, the applicant appeal process and the criminal offense scoring matrix that is used as a tool in weighing applicant eligibility.</p> <p>The GRHC has reviewed the draft HCV Administrative Plan and ACOP documents referenced in Attachments G and H and has revised policies in consideration of the comments to ensure alignment with applicable HUD and Fair Housing guidance and case law.</p> |
| D. | Affirmatively Furthering Fair Housing (AFFH). |
| D.1 | <p>Affirmatively Furthering Fair Housing.</p> <p>Provide a statement of the PHA’s strategies and actions to achieve fair housing goals outlined in an accepted Assessment of Fair Housing (AFH) consistent with 24 CFR § 5.154(d)(5). Use the chart provided below. (PHAs should add as many goals as necessary to overcome fair housing issues and contributing factors.) Until such time as the PHA is required to submit an AFH, the PHA is not obligated to complete this chart. The PHA will fulfill, nevertheless, the requirements at 24 CFR § 903.7(o) enacted prior to August 17, 2015. See Instructions for further detail on completing this item.</p> <p>The GRHC is not required to submit the Assessment of Fair Housing (AFH) for this PHA Plan year.</p> <div data-bbox="191 772 1515 1102"> <p>Fair Housing Goal:</p> <p>Describe fair housing strategies and actions to achieve the goal</p> </div> <div data-bbox="191 1155 1515 1484"> <p>Fair Housing Goal:</p> <p>Describe fair housing strategies and actions to achieve the goal</p> </div> <div data-bbox="191 1537 1515 1866"> <p>Fair Housing Goal:</p> <p>Describe fair housing strategies and actions to achieve the goal</p> </div> |

ATTACHMENT A

**GRAND RAPIDS HOUSING COMMISSION
LOW-INCOME PUBLIC HOUSING
DECONCENTRATION POLICY**

In accordance with 24 CFR, Part 903, Subpart A, the Grand Rapids Housing Commission has **no** general occupancy (family) public housing developments covered by the deconcentration rule.

| Development | # LIPH Units | Developments Not Subject to Deconcentration and Income Mixing Requirements |
|-----------------|--------------|---|
| Adams Park | 188 | Houses only elderly persons, or persons with disabilities, or both - 24 CFR, 903.2(b)(2)(ii) |
| Scattered Sites | 15 | Housing development with fewer than 100 public housing units – 24 CFR, 903.2(b)(2)(i) Only general occupancy, family public housing development operated by PHA – 24 CFR, 903.2(b)(2)(iii) |

ATTACHMENT A

GRAND RAPIDS HOUSING COMMISSION HOUSING CHOICE VOUCHER DECONCENTRATION POLICY

Purpose

The purpose of the Grand Rapids Housing Commission's Deconcentration Policy is to establish a framework for staff to follow in order to ensure compliance with the requirements to expand housing opportunities as detailed in 24 CFR 982.54, 24 CFR 982.301, and the Housing Commission's Housing Choice Voucher Administrative Plan.

Overview

Public Housing Authorities (PHAs) are responsible for ensuring that very-low income households have access to all types and ranges of affordable housing in the PHA's jurisdiction, particularly housing outside areas of poverty or minority concentration. A critical element in fulfilling this responsibility is for the PHA to enlist a sufficient number of landlords, representing all types and ranges of affordable housing in the PHA's jurisdiction, to participate in the Housing Choice Voucher program and provide information to program participants about this initiative.

Implementation – Landlords

The Grand Housing Commission (GRHC) will conduct regular landlord outreach events to encourage property owners outside of areas of poverty and/or minority concentration to lease units to Housing Choice Voucher (HCV) participants. Educational information will be provided to familiarize owners with the program and how they benefit from participation.

These outreach strategies will include:

- Distributing printed materials about the program to property owners and managers,
- Contacting property owners and managers by phone or in person,
- Holding owner recruitment/information meetings at least once a year,
- Participating in community-based organizations comprised of private property and apartment owners and managers, and
- Developing working relationships with property owners and apartment managers.

Implementation – Participants

The GRHC will affirmatively inform participants of our jurisdiction coverage area at all orientations and/or interviews. HCV participants will not be steered towards specific landlords or areas. Participants will receive information regarding the entire jurisdiction coverage area of the GRHC, be advised of the HUD deconcentration initiatives, provided information which reflects areas of deconcentration, and encouraged to make informed housing decisions.

Regional Consolidated Housing and Community Development Plan

July 1, 2021 - June 30, 2026

City of Grand Rapids and Kent County



Needs Assessment

NA-5 Overview

The Needs Assessment examines residents' housing needs including affordable housing and special needs housing. The sections within the Needs Assessment include:

- Housing Needs Assessment
- Disproportionately Greater Need
- Public Housing
- Homeless Needs Assessment
- Non-Homeless Needs Assessment
- Non-Housing Community Development Needs

The assessment identifies those needs with the highest priorities which influence the goals and outcomes of the strategic plan. The data contained in this section is from the 2014-2018 American Community Survey, the 2013-2017 Comprehensive Housing Affordability Strategy (CHAS) or third-party data vendors through ESRI. The various tables found in the Needs Assessment outline the Census data for Kent County, Grand Rapids, Wyoming, and the "Balance of County." The Balance of County data excludes the cities of Grand Rapids and Wyoming. The quantitative data is supplemented by qualitative data gathered through the community engagement process.

The housing portion of the needs assessment largely focuses on housing problems that residents may experience. HUD defines housing problems as:

- Units lacking complete kitchen facilities.
- Units lacking complete plumbing (bathroom) facilities.
- Housing cost burden of more than 30% of household income. Housing costs include rent and utilities for renter households, and mortgage payments, utilities, taxes, and insurance for homeowners.
- Overcrowding, which HUD defines as more than one person per room, not including bathrooms, porches, foyers, halls, or half-rooms.

The CDBG and HOME programs operate under federally-established income limits. These limits are based on the area median family income (AMI) of the Grand Rapids – Wyoming Metropolitan Statistical Area (MSA) and are updated annually. The MSA is comprised of Iona, Kent, Montcalm, and Ottawa counties. The ESG program is not subject to income requirements.

Generally, very-low income refers to incomes at or below 30 percent of AMI; low-income refers to incomes between 31 and 50 percent of AMI; moderate-income refers to incomes between 51 and 80 percent of AMI; all adjusted for family size. The CDBG and HOME programs target low- and moderate-income beneficiaries; except that HOME rental activities can benefit those with income up to 60% AMI. ESG activities are assumed to benefit low- and moderate-income persons.

Table 10 provides the current income limits subject to annual adjustments by HUD.

Table 10: FY 2020 Income Limits – Grand Rapids – Wyoming Metro Area

| Household Size | Extremely Low Income (30% AMI) | Very Low Income (50% AMI) | 60% AMI | Low Income (80% AMI) |
|----------------|--------------------------------|---------------------------|----------|----------------------|
| 1 | \$16,800 | \$28,000 | \$33,600 | \$44,800 |
| 2 | \$19,200 | \$32,000 | \$38,400 | \$51,200 |
| 3 | \$21,960 | \$36,000 | \$43,200 | \$57,600 |
| 4 | \$26,500 | \$40,000 | \$48,000 | \$64,000 |
| 5 | \$31,040 | \$43,200 | \$51,840 | \$69,150 |
| 6 | \$35,580 | \$46,400 | \$55,680 | \$74,250 |
| 7 | \$40,120 | \$49,600 | \$59,520 | \$79,400 |
| 8 | \$44,660 | \$52,800 | \$63,360 | \$84,500 |

Source: U.S. Department of Housing and Urban Development (HUD), effective April 1, 2020

NA-10 Housing Needs Assessment

Over the past 20 years the Kent County region has added nearly 80,000 residents. While Grand Rapids lost population between 2000 and 2010, an estimated 15,000 residents have since moved to the City. Over the next five years, the region is expected to grow another 4.0% to a population of approximately 680,000. Grand Rapids is estimated to grow to approximately 210,000 residents, and the City of Wyoming to 81,000 residents.

Summary of Housing Needs

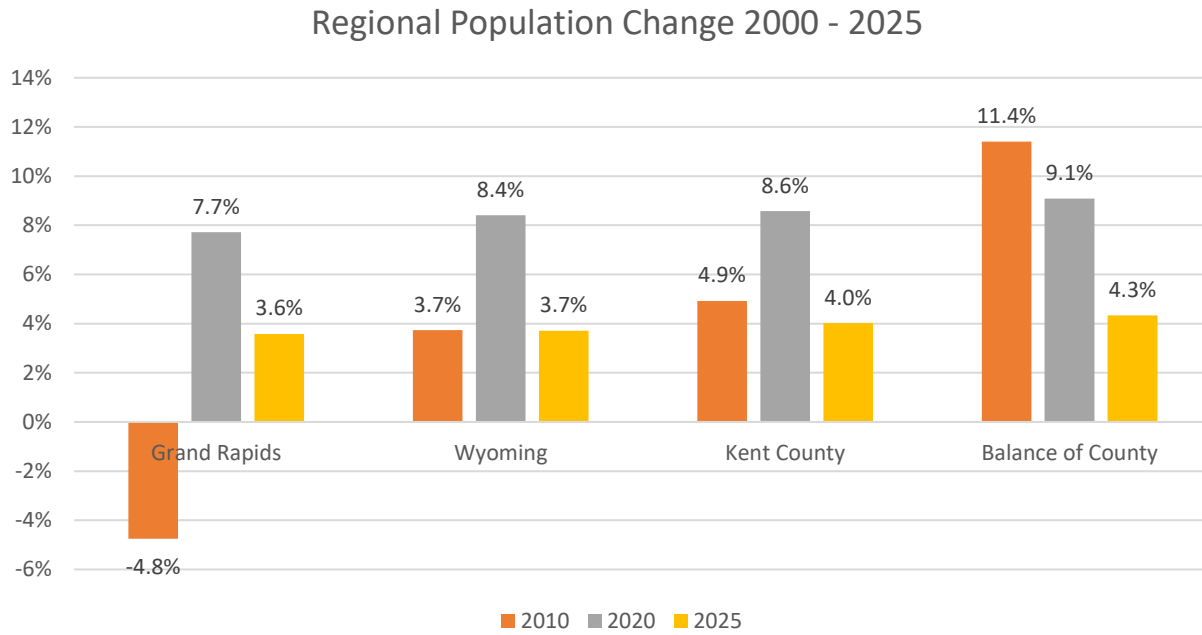
Grand Rapids and Kent County continue to grow in terms of population size. Within the region, Grand Rapids is the largest city and comprises approximately 30% of the regional population. The City of Wyoming comprise 12% of the Kent County population, and the remaining townships, villages and cities comprise the remaining 58% of the county's population. Despite a drop in population between 2000 and 2010 in Grand Rapids, demographic projections estimate a population increase over the next five years. The county is estimated to add 26,331 residents. Of these, Grand Rapids is estimated to gain 7,250 additional residents, Wyoming 2,900 new residents, and the balance of the county 16,181. With an already tight housing market, additional housing units will need to be brought online to effectively accommodate this projected growth.

Table 11: Population by Community

| | Grand Rapids | Wyoming | Balance of County | Kent County |
|-----------------|--------------|------------|-------------------|-------------|
| | Population | Population | Population | Population |
| 2000 | 197,327 | 69,582 | 307,426 | 574,335 |
| 2010 | 187,941 | 72,184 | 342,497 | 602,622 |
| 2020 Estimate | 202,436 | 78,252 | 373,594 | 654,282 |
| 2025 Projection | 209,686 | 81,152 | 389,775 | 680,613 |

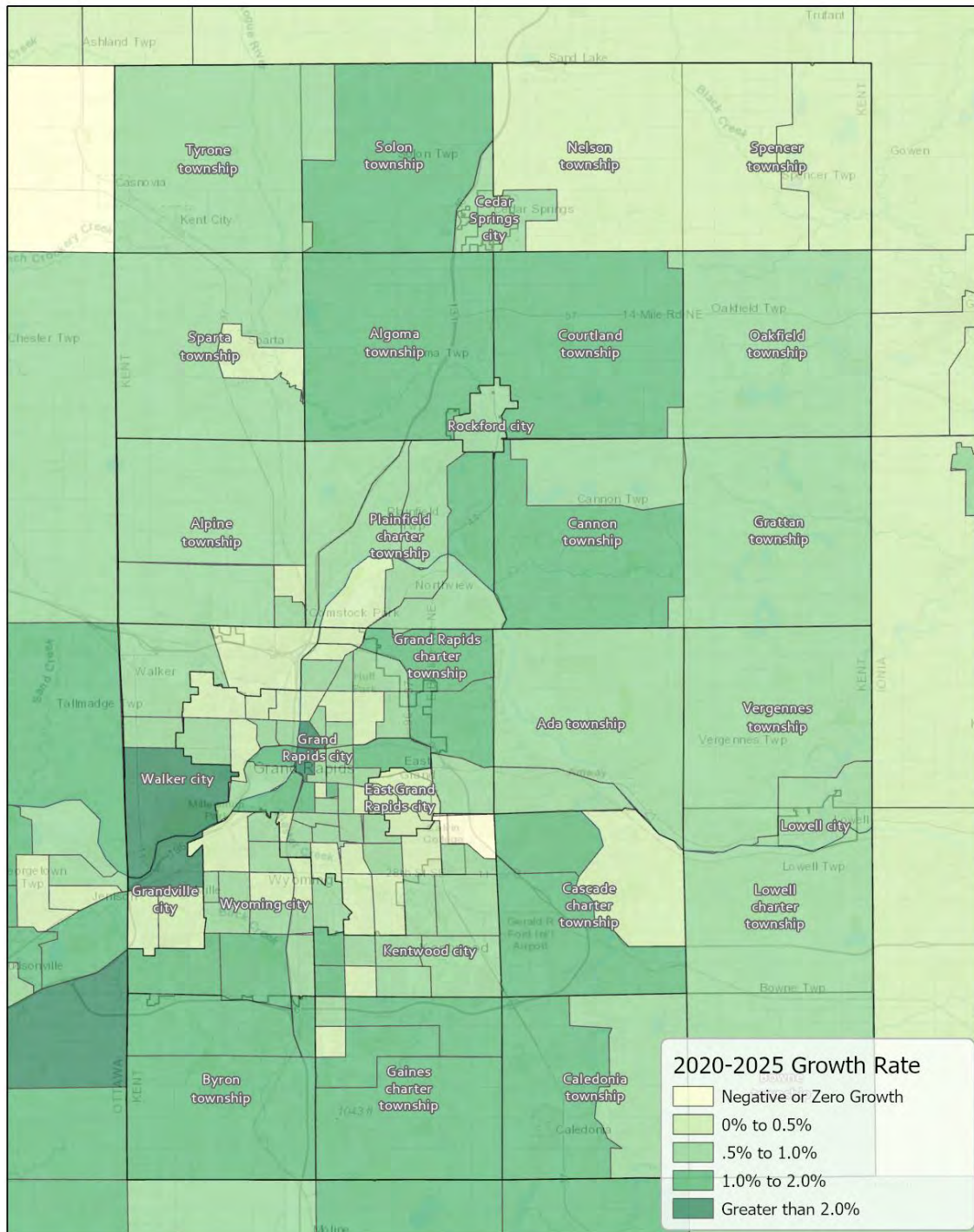
Source: US Census, ESRI Demographics

Figure 1: Regional Population Change



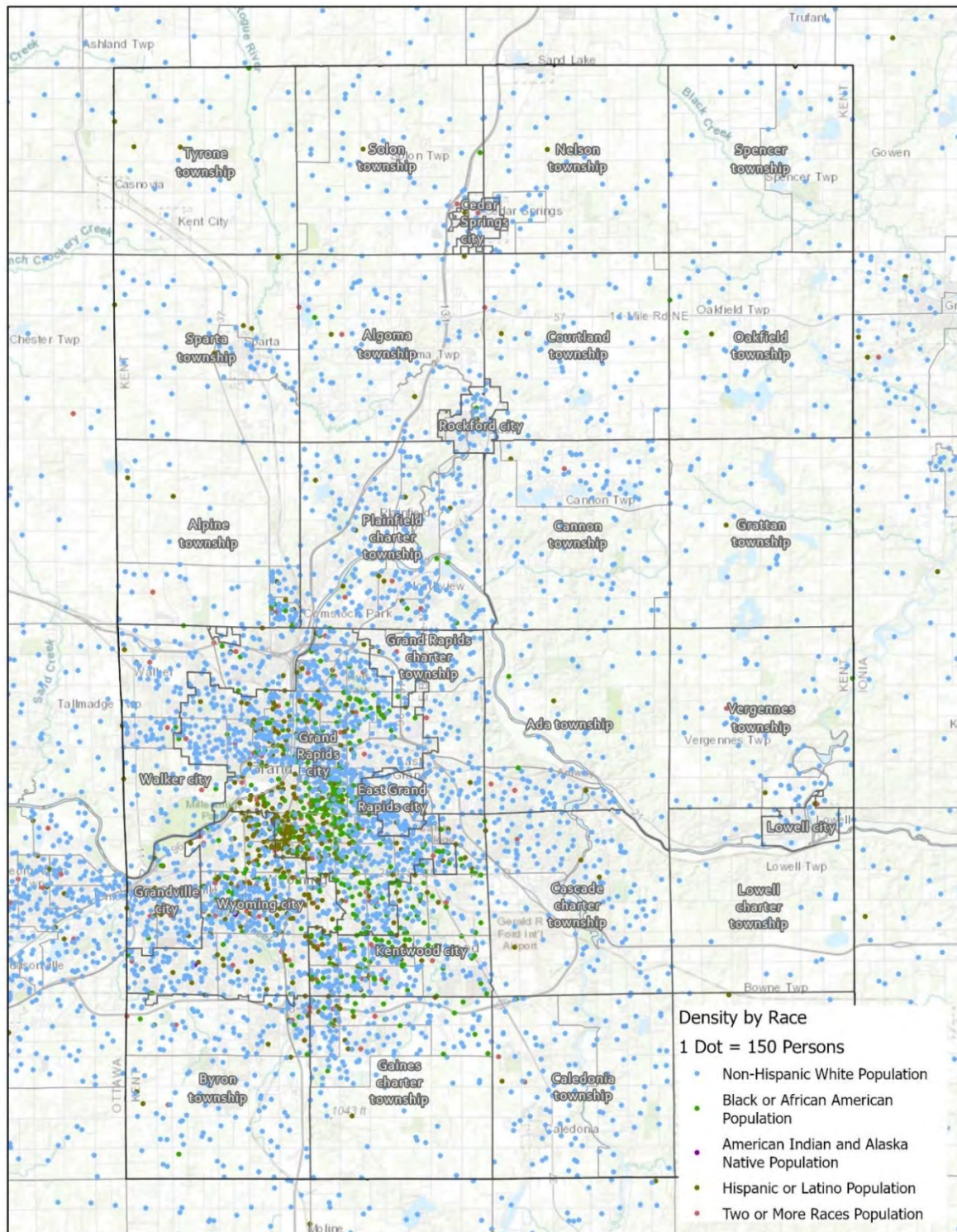
Source: US Census, ESRI

Figure 2: Regional Population Growth



Source: ESRI Demographics

Figure 3: Race and Ethnicity by Density



Source: 2012-2017 ACS

Overall, Kent County is racially less diverse than Michigan as a whole, with Grand Rapids being the exception. Michigan overall is 74.8% White. Kent County is estimated to be 77.11% White, 10% Black, and 11.11% Hispanic. However, when Grand Rapids and Wyoming are removed the balance of the county is 86.8% White, 4.3% Black, and 5.3% Hispanic. Table 12 illustrates population by race, based on population numbers from the year 2000. Grand Rapids is 61.22% White, 21.4% Black and 17.56% Hispanic. The City of Wyoming is 71.89% White, 7.47% Black and 22.26% Hispanic.

Table 12: 2020 Estimated Population by Race

| 2020 Population by Race | Grand Rapids | | Wyoming | | Balance of County | | Kent County | |
|-------------------------------------|---------------------|-------|----------------|-------|------------------------------|-------|--------------------|-------|
| White | 123,936 | 61.2% | 56,256 | 71.9% | 324,316 | 86.8% | 504,508 | 77.1% |
| Black/African American | 43,475 | 21.5% | 5,849 | 7.5% | 16,171 | 4.3% | 65,495 | 10.0% |
| American Indian/Alaska Native | 1,551 | 0.8% | 489 | 0.6% | 1,331 | 0.4% | 3,371 | 0.5% |
| Asian | 5,589 | 2.8% | 3,321 | 4.2% | 14,415 | 3.9% | 23,325 | 3.6% |
| Pacific Islander | 138 | 0.07% | 43 | 0.05% | 119 | 0.0% | 300 | 0.05% |
| Other Race | 17,683 | 8.7% | 8,703 | 11.1% | 7,068 | 1.9% | 33,454 | 5.1% |
| Population of Two or More Races | 10,065 | 5.0% | 3,591 | 4.6% | 10,173 | 2.7% | 23,829 | 3.6% |
| Hispanic Population | 35,546 | 17.6% | 17,420 | 22.3% | 19,749 | 5.3% | 72,715 | 11.1% |

Source: ESRI Demographics

Over the next five years, the racial diversity within all Kent County communities is expected to increase. Table 13 illustrates the projected 2025 population by race within the three jurisdictions and the balance of Kent County. The share of all races, and the share of Hispanic population are all estimated to increase, while the share of White population is estimated to decline in Grand Rapids, Wyoming, and the balance of the county.

Table 13: 2025 Projected Population by Race

| 2025 Population by Race | Grand Rapids | | Wyoming | | Balance of County | | Kent County | |
|------------------------------------|---------------------|-------|----------------|-------|--------------------------|-------|--------------------|-------|
| White | 124,492 | 59.4% | 56,431 | 69.5% | 332,682 | 85.4% | 513,605 | 75.5% |
| Black/African American | 45,642 | 21.8% | 6,181 | 7.6% | 17,336 | 4.5% | 69,159 | 10.2% |
| American Indian/Alaska Native | 1,640 | 0.9% | 520 | 0.6% | 1,391 | 0.4% | 3,551 | 0.5% |
| Asian | 6,803 | 3.2% | 4,100 | 5.0% | 18,107 | 4.7% | 29,010 | 4.3% |
| Pacific Islander | 143 | 0.07% | 44 | 0.05% | 125 | 0.03% | 312 | 0.05% |
| Other Race | 19,554 | 9.3% | 9,795 | 12.1% | 8,174 | 2.1% | 37,523 | 5.5% |
| Population of Two or More Races | 11,412 | 5.4% | 4,082 | 5.0% | 11,959 | 3.1% | 27,453 | 4.0% |
| Hispanic Population | 39,388 | 18.8% | 19,560 | 24.1% | 22,964 | 5.9% | 81,912 | 12.0% |

Source: ESRI Demographics

The population by household type is also evolving in Kent County and its communities. The Census defines a household as all the people that occupy a housing unit, and there are two types of households: family and non-family. A family household is one in which two or more people residing together are related by birth, marriage, or adoption, plus any unrelated individuals living in the household. A non-family household is one in which the householder lives alone (single individual) or where the householder shares the unit exclusively with people to whom he or she is not related.

The number of people living in non-family households has continued to grow, and over the next five years, Kent County is expected to see its non-family population grow from 127,995 to 135,661. In Grand Rapids, the number of residents in non-family households (singles, or unrelated individuals) is expected to grow from 55,339 (28.48%) in 2020 to 58,534 (29.04%) in 2025. This is important because it speaks to the need of new housing units, not just housing structures. New, high density, multi-unit developments will need to be developed to help accommodate this growth in non-family households.

Table 14: Population by Household Type

| | Grand Rapids | | Wyoming | | Balance of County | | Kent County | |
|----------------------------|--------------|-------|---------|-------|-------------------|-------|-------------|-------|
| 2010 Total Population | 187,941 | | 72,184 | | 342,497 | | 602,622 | |
| 2010 Household Population | 179,676 | 95.6% | 71,826 | 99.5% | 339,767 | 99.2% | 591,269 | 98.1% |
| 2010 Family Population | 131,224 | 69.8% | 58,368 | 80.9% | 290,784 | 84.9% | 480,376 | 79.7% |
| 2010 Non-Family Population | 48,452 | 27.0% | 13,458 | 18.7% | 48,983 | 14.4% | 110,893 | 18.8% |
| | | | | | | | | |
| 2020 Total Population | 202,436 | | 78,252 | | 373,594 | | 654,282 | |
| 2020 Household Population | 194,325 | 96.0% | 77,888 | 99.5% | 370,530 | 99.2% | 642,743 | 98.2% |
| 2020 Family Population | 138,986 | 68.7% | 62,413 | 79.8% | 313,349 | 83.9% | 514,748 | 78.7% |
| 2020 Non-Family Population | 55,339 | 28.5% | 15,475 | 19.9% | 57,181 | 15.4% | 127,995 | 19.9% |
| | | | | | | | | |
| 2025 Total Population | 209,686 | | 81,152 | | 389,775 | | 680,613 | |
| 2025 Household Population | 201,575 | 96.1% | 80,789 | 99.6% | 386,710 | 99.2% | 669,074 | 98.3% |
| 2025 Family Population | 143,041 | 68.2% | 64,456 | 79.4% | 325,916 | 83.6% | 533,413 | 78.4% |
| 2025 Non-Family Population | 58,534 | 29.0% | 16,333 | 20.2% | 60,794 | 15.7% | 135,661 | 20.3% |

Source: ESRI Demographics

Housing Needs by Community

The next section outlines the specific housing needs by community for Kent County, Grand Rapids, and Wyoming. The housing needs discussed in this section cover the following housing problems:

- Cost burden
- Substandard housing (lacking complete kitchen or bathroom facilities)
- Overcrowding (more than one person per room)

Kent County

The following tables illustrate the housing needs for the balance of the county which excludes the City of Grand Rapids and the City of Wyoming. Overall, the balance of the county is wealthier than Grand Rapids or Wyoming. Table 15 illustrates the income distribution of households by tenure in the balance of Kent County. While the number of extremely low income (less than 30% AMI) is 7.37% of the total households, 17.21% are renters. Over 35% of renters are either extremely or very-low income, compared to just over 11% of owner households.

Table 15: Income Distribution by Tenure - Balance of County

| Income Range | Owner | | Renter | | Total Households | |
|-----------------------|---------|-------|--------|-------|------------------|-------|
| 0 - 30% AMI | 4,745 | 4.5% | 5,245 | 17.2% | 9,990 | 7.4% |
| 30% - 50% AMI | 7,055 | 6.7% | 5,685 | 18.7% | 12,740 | 9.4% |
| 50% - 80% AMI | 14,410 | 13.7% | 7,515 | 24.7% | 21,925 | 16.2% |
| 80% to - 100% AMI | 10,910 | 10.4% | 4,010 | 13.2% | 14,920 | 11.0% |
| Greater than 100% AMI | 68,000 | 64.7% | 8,025 | 26.3% | 76,025 | 56.1% |
| Total | 105,120 | 100% | 30,480 | 100% | 135,600 | 100% |

Source: 2013 – 2017 ACS

Kent County renters have a higher proportion of households experiencing housing cost burden than owners as illustrated in Table 16. Over 36% of renter households have a cost burden over 30%, compared to approximately 16% of homeowners. However, when looking at the absolute number of households experiencing a cost burden, there are more cost burdened owner households than renter households.

Table 16: Housing Cost Burden – Balance of County

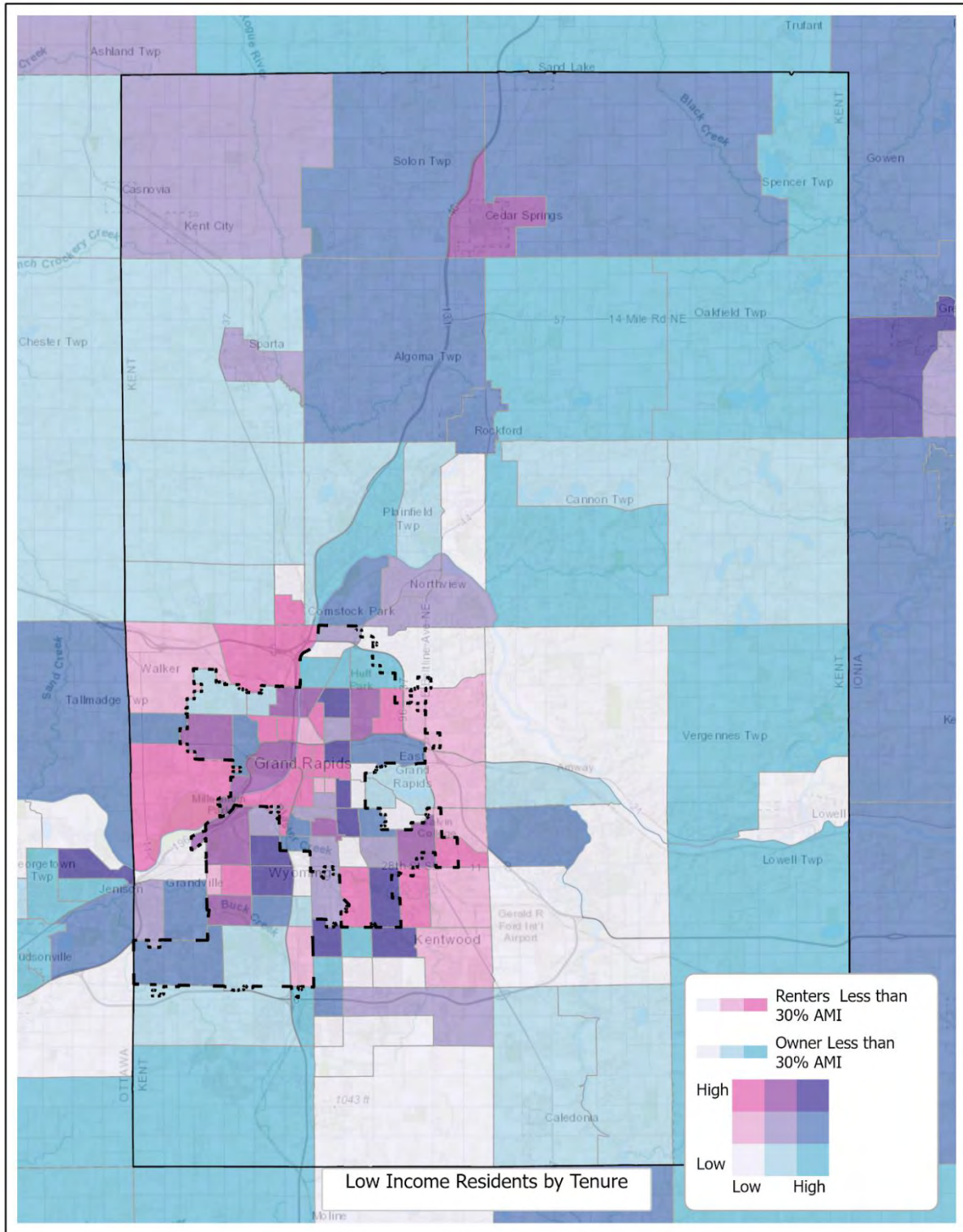
| Housing Cost Burden | Owner | | Renter | | Total Households | |
|---------------------------|---------|-------|--------|-------|------------------|-------|
| Less than 30% | 87,655 | 83.4% | 19,015 | 62.4% | 106,670 | 78.7% |
| 30% to 50% | 10,845 | 10.3% | 6,331 | 20.8% | 17,176 | 12.7% |
| Greater than 50% | 6,113 | 5.8% | 4,853 | 15.9% | 10,966 | 8.1% |
| Cost Burden not available | 505 | 0.5% | 285 | 0.9% | 790 | 0.6% |
| Total | 105,118 | 100% | 30,484 | 100% | 135,602 | 100% |

Source: 2013-2017 CHAS

Figure 4 illustrates where extremely low-income Kent County residents live by tenure. The map shows the percentage of extremely low-income renters and homeowners on a gradient of low concentration to high concentration. Renter households are illustrated in pink and owner households are blue. The darker the shade, the higher the concentration of that particular household type. Areas that are white indicate low percentage of extremely low-income renters and homeowners, while areas that are purple

(a combination of pink and blue) indicate a high concentration of both low-income renters and homeowners. This map is useful to illustrate where these extremely low-income residents are concentrated and whether assistance programs should be targeted to renter households, owner households or both.

Figure 4: Low Income Households by Tenure – Kent County



Source: 2013-2017 CHAS

Table 17 through Table 19 illustrate the number of households experiencing a housing cost burden by income strata and tenure. Within the balance of the county, over 17,000 households have a cost burden greater than 30% and nearly 11,000 have cost burden greater than 50%. Over 81% of extremely low-income households are severely cost burdened.

Table 17: Income by Cost Burden (Owners and Renters) – Balance of County

| | Cost burden > 30% | | Severe Cost burden > 50% | | Total | |
|-----------------------|-------------------|-------|--------------------------|-------|--------|------|
| 0 - 30% AMI | 1,525 | 18.9% | 6,551 | 81.1% | 8,076 | 100% |
| 30% - 50% AMI | 5,630 | 70.6% | 2,346 | 29.4% | 7,976 | 100% |
| 50% - 80% AMI | 5,640 | 78.8% | 1,522 | 21.3% | 7,162 | 100% |
| 80% to - 100% AMI | 2,190 | 91.8% | 197 | 8.3% | 2,387 | 100% |
| Greater than 100% AMI | 2,191 | 86.2% | 350 | 13.8% | 2,541 | 100% |
| Total | 17,176 | 61.0% | 10,966 | 39.0% | 28,142 | 100% |

Source: 2013 – 2017 CHAS

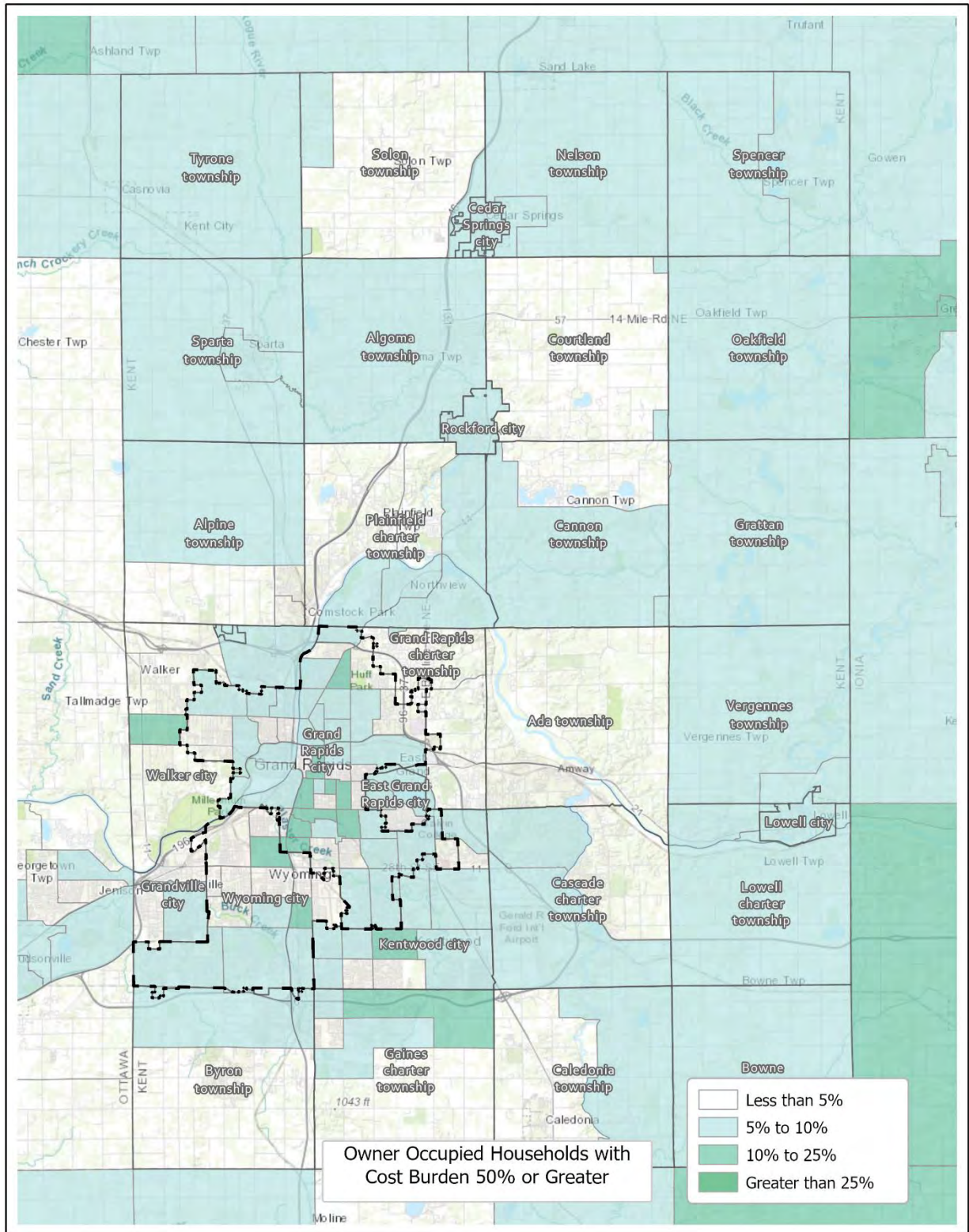
Table 18 shows cost burden by income for homeowners in the balance of Kent County. Of the extremely low-income homeowners, over 76% are severely cost burdened. The locations of the severely cost burdened owner households are illustrated on the map labeled Figure 5. The map indicates the percentage of severely cost burdened owner households that are distributed throughout Kent County. When looking at the balance of the county, these households are more concentrated in areas of Kentwood, Walker, and Gaines Charter Township.

Table 18: Income by Cost Burden (Owners Only) – Balance of County

| | Cost burden > 30% | | Severe Cost burden > 50% | | Total Households | |
|-----------------------|-------------------|-------|--------------------------|-------|------------------|------|
| 0 - 30% AMI | 920 | 23.4% | 3,015 | 76.6% | 3,935 | 100% |
| 30% - 50% AMI | 2,425 | 64.0% | 1,365 | 36.0% | 3,790 | 100% |
| 50% - 80% AMI | 3,555 | 73.3% | 1,292 | 26.7% | 4,847 | 100% |
| 80% to - 100% AMI | 1,865 | 91.6% | 171 | 8.4% | 2,036 | 100% |
| Greater than 100% AMI | 2,080 | 88.5% | 270 | 11.5% | 2,350 | 100% |
| Total | 10,845 | 64.0% | 6,113 | 36.0% | 16,958 | 100% |

Source: 2013 – 2017 CHAS

Figure 5: Kent County Owner Occupied Households with 50% Cost Burden or Greater



Source: 2013-2017 CHAS

Table 19: Income by Cost Burden (Renters Only) – Balance of County

| | Cost burden > 30% | | Severe Cost burden > 50% | | Total | |
|-----------------------|-----------------------------|-------|------------------------------------|-------|--------------|------|
| 0 - 30% AMI | 605 | 14.6% | 3,536 | 85.4% | 4,141 | 100% |
| 30% - 50% AMI | 3,205 | 76.6% | 981 | 23.4% | 4,186 | 100% |
| 50% - 80% AMI | 2,085 | 90.1% | 230 | 9.9% | 2,315 | 100% |
| 80% to - 100% AMI | 325 | 92.6% | 26 | 7.4% | 351 | 100% |
| Greater than 100% AMI | 111 | 58.1% | 80 | 41.9% | 191 | 100% |
| Total | 6,331 | 56.6% | 4,853 | 43.4% | 11,184 | 100% |

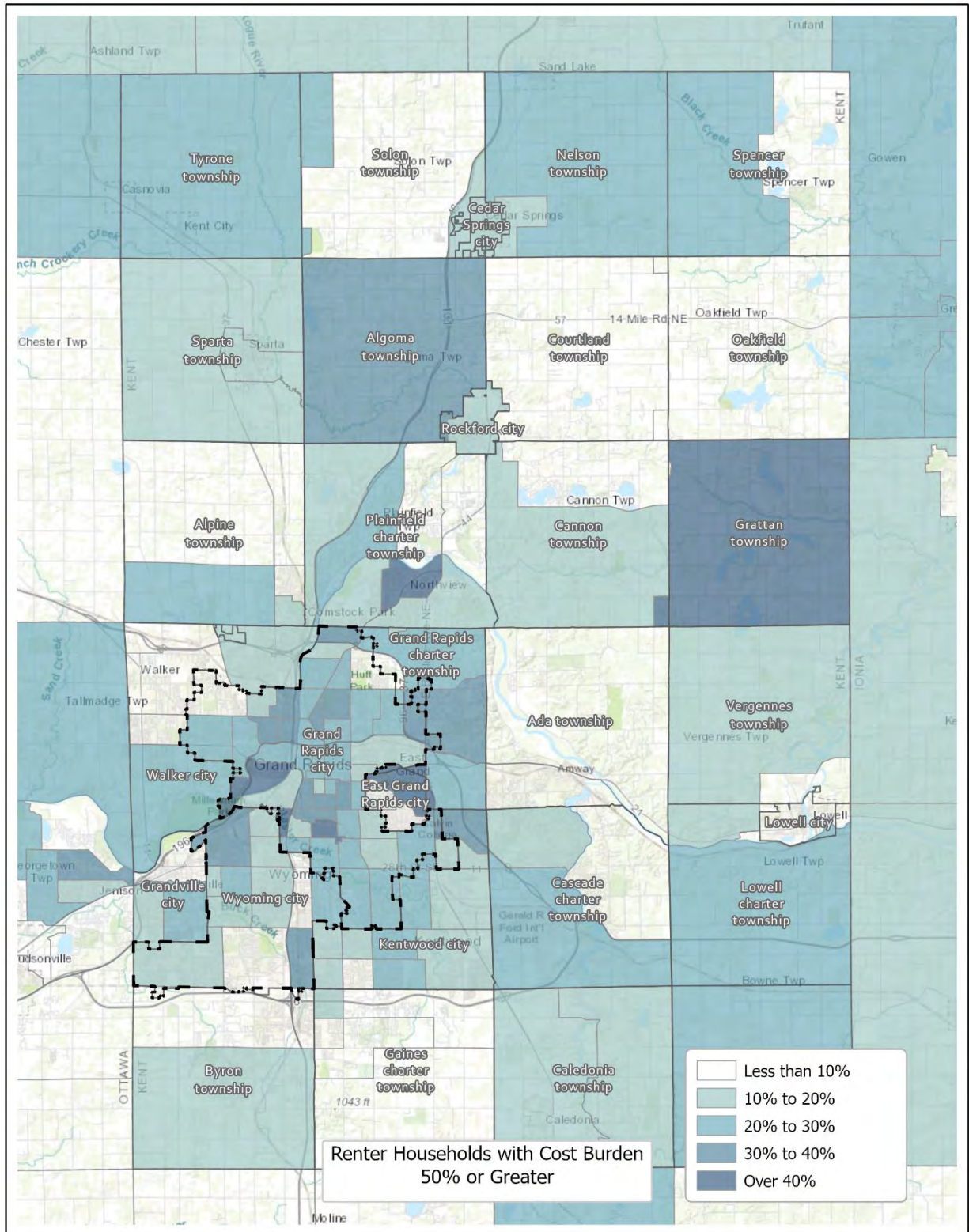
Source: 2013 – 2017 CHAS

Table 19 illustrates cost burdened renter households by income. Over 8,300 extremely and very low-income renters are cost burdened. Of the extremely low-income renters, over 85% are severely cost burdened.

Figure 6 shows the relative concentration of severely cost burdened renters throughout Kent County. In the balance of the County, severely cost burdened renters are concentrated in communities such as:

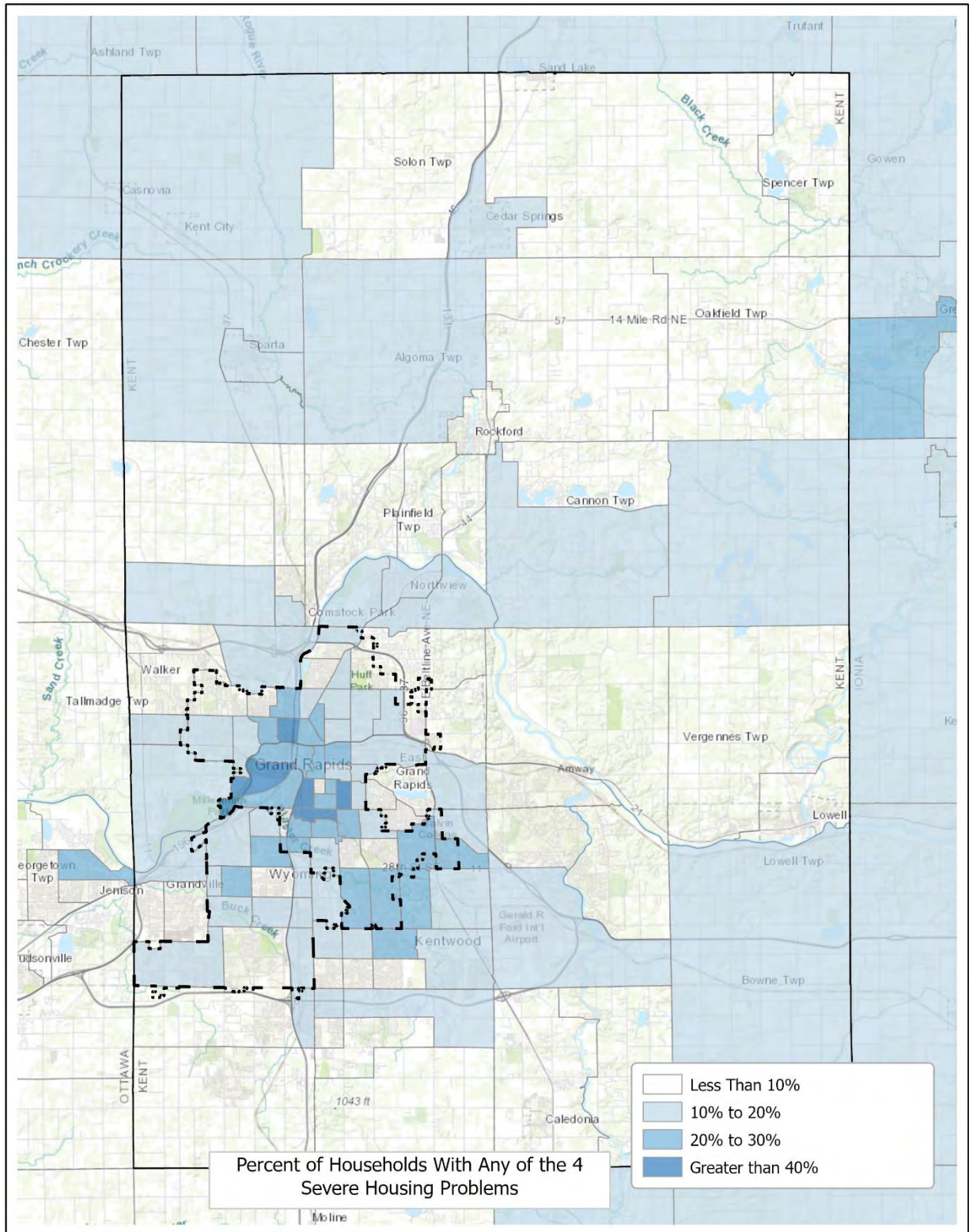
- Grattan Township
- Plainfield Charter Township
- East Grand Rapids
- Algoma Township

Figure 6: Renter Households with Cost Burden 50% or Greater



Source: 2013-2017 CHAS

Figure 7: Kent County Percent of Households with Severe Housing Problems



Source: 2013-2017 CHAS

Table 20 Illustrates housing problems (substandard housing, overcrowding, cost burden) of the households in the balance of the county (not including Grand Rapids and Wyoming). More renters live in substandard housing and are in severely overcrowded situations than homeowners. There are significantly more owner households with housing cost burdens than renter households.

Table 20: Housing Problems – Balance of County

| | Renter | | | | | Owner | | | | |
|---|-----------|------------|------------|-------------|--------------|-----------|------------|------------|-------------|-------------|
| | < 30% AMI | 30-50% AMI | 50-80% AMI | 80-100% AMI | Renter Total | < 30% AMI | 30-50% AMI | 50-80% AMI | 80-100% AMI | Owner Total |
| Substandard Housing – Lacking complete plumbing or kitchen facilities | 110 | 165 | 65 | 50 | 85 | 475 | 15 | 36 | 85 | 30 |
| Severely Overcrowded – With >1.51 people per room (and complete kitchen and plumbing) | 75 | 165 | 240 | 115 | 76 | 671 | 75 | 85 | 220 | 70 |
| Overcrowded - With 1.01-1.5 people per room (and none of the above problems) | 65 | 135 | 40 | 45 | 20 | 305 | 25 | 11 | 26 | 40 |
| Housing cost burden greater than 50% of income (and none of the above problems) | 535 | 3,090 | 2,000 | 335 | 116 | 6,076 | 860 | 2,355 | 3,490 | 1,855 |
| Housing cost burden greater than 30% of income (and none of the above problems) | 3,445 | 870 | 220 | 10 | 75 | 4,620 | 2,985 | 1,355 | 1,265 | 160 |
| Zero/negative Income (and none of the above problems) | 255 | 0 | 0 | 0 | 0 | 255 | 510 | 0 | 0 | 0 |

Source: 2013 – 2017 CHAS

Table 21 illustrates households with one or more severe housing problems (lacks kitchen, lacks complete plumbing, overcrowding, cost burden) in the balance of the county. As the table indicates, nearly 5,600 renter households and nearly 6,500 owner households have one or more housing problems. The majority of renter households with severe housing problems are very low- and low-income renters. Additional income-based subsidy rental units are likely necessary to address this issue.

Table 21: Severe Housing Problems – Balance of County

| | Renter | | | | | Owner | | | | |
|---|-----------|------------|------------|-------------|--------------|-----------|------------|------------|-------------|-------------|
| | < 30% AMI | 30-50% AMI | 50-80% AMI | 80-100% AMI | Renter Total | < 30% AMI | 30-50% AMI | 50-80% AMI | 80-100% AMI | Owner Total |
| Having 1 or more of four housing problems | 3,690 | 1,335 | 570 | 225 | 5,595 | 3,105 | 1,480 | 1,590 | 300 | 6,475 |
| Having none of four housing problems | 1,295 | 4,355 | 6,945 | 3,790 | 12,595 | 1,140 | 5,570 | 12,815 | 10,605 | 30,130 |
| Having zero or negative income but none of the other housing problems | 255 | 0 | 0 | 0 | 255 | 510 | 0 | 0 | 0 | 510 |

Source: 2013 – 2017 CHAS

Table 22 illustrates the number of households with a cost burden greater than 30% by household type. Within the balance of the county, there are a large number of cost-burdened elderly renter and owner households.

Table 22: Select Households with Cost Burden Greater Than 30% – Balance of County

| | Renter | | | | Owner | | | |
|------------------|-----------|------------|------------|--------------|-----------|------------|------------|-------------|
| | < 30% AMI | 30-50% AMI | 50-80% AMI | Renter Total | < 30% AMI | 30-50% AMI | 50-80% AMI | Owner Total |
| Small Related | 1,395 | 1,635 | 905 | 3,935 | 890 | 955 | 1,755 | 3,600 |
| Large Related | 235 | 160 | 65 | 460 | 185 | 325 | 615 | 1,125 |
| Elderly | 811 | 976 | 330 | 2,117 | 2,040 | 1,975 | 1,761 | 5,776 |
| Other | 1,700 | 1,415 | 1,015 | 4,130 | 820 | 535 | 716 | 2,071 |
| Total Households | 4,141 | 4,186 | 2,315 | 10,642 | 3,935 | 3,790 | 4,847 | 12,572 |

Source: 2013 – 2017 CHAS

Table 23 outlines the number of households with a cost burden greater than 50% by household type, income, and tenure in the balance of the county. Similar to the previous table, there are a significant number of elderly cost burdened owner households.

Table 23: Select Households with Cost Burden Greater Than 50% – Balance of County

| | Renter | | | | Owner | | | |
|------------------|-----------|------------|------------|-------|-----------|------------|------------|-------|
| | < 30% AMI | 30-50% AMI | 50-80% AMI | Total | < 30% AMI | 30-50% AMI | 50-80% AMI | Total |
| Small Related | 1,250 | 370 | 35 | 1,655 | 745 | 405 | 505 | 1,655 |
| Large Related | 205 | 35 | 0 | 240 | 110 | 125 | 130 | 365 |
| Elderly | 586 | 346 | 60 | 992 | 1,460 | 620 | 471 | 2,551 |
| Other | 1,495 | 230 | 135 | 1,860 | 700 | 215 | 186 | 1,101 |
| Total Households | 3,536 | 981 | 230 | 4,747 | 3,015 | 1,365 | 1,292 | 5,672 |

Source: 2013 – 2017 CHAS

Table 24 indicates the number of children under the age of six by tenure in the balance of the county. The number of young children is nearly equal between owner and renter households, but proportionately, there are greater percentages living in very low- and low-income households.

Table 24: Presence of Children Under Age 6 by Tenure and Income – Balance of County

| | Renter | | | | Owner | | | |
|----------------------------------|-----------|-------------|-------------|-------|-----------|-------------|-------------|-------|
| | 0-30% AMI | >30-50% AMI | >50-80% AMI | Total | 0-30% AMI | >30-50% AMI | >50-80% AMI | Total |
| Households with Children Present | 1,025 | 1,015 | 1,455 | 3,495 | 410 | 920 | 2,195 | 3,525 |

Source: 2013 – 2017 CHAS

City of Grand Rapids

Table 25 illustrates the income distribution of households within Grand Rapids by tenure (renters and owners). Of the total households, over 32% have household income at or below 50% of Area Median Income (AMI). Over 36% have incomes above 100% AMI. When examined by tenure, there is a stark contrast between renter and owner households. Over 51% of owner households earn over 100% AMI, compared with only 19.5% of renter households. Only 16.8% of owner households have income less than 50% AMI, compared to over 50% of renter households, and only 7.14% of owner households have incomes below 30% AMI, compared to nearly 30% of renters. This segment of renters is likely living on the financial edge and may be at risk for a housing crisis event or homelessness.

Table 25: Income Distribution by Tenure – Grand Rapids

| | Owner | | Renter | | Total | |
|-----------------------|--------|-------|--------|-------|--------|-------|
| 0 - 30% AMI | 2,850 | 7.1% | 9,960 | 29.7% | 12,810 | 17.4% |
| 30% - 50% AMI | 3,885 | 9.7% | 7,210 | 21.5% | 11,095 | 15.1% |
| 50% - 80% AMI | 7,700 | 19.3% | 6,395 | 19.1% | 14,095 | 19.2% |
| 80% to - 100% AMI | 5,070 | 12.7% | 3,375 | 10.1% | 8,445 | 11.5% |
| Greater than 100% AMI | 20,425 | 51.2% | 6,560 | 19.6% | 26,985 | 36.8% |
| Total | 39,930 | 100% | 33,505 | 100% | 73,435 | 100% |

Source: 2013 – 2017 CHAS

Table 26 illustrates the change between the number of households within each income cohort over a five-year period (2008-2012 ACS versus 2013-2017 ACS). This comparison only shows the difference between the number of households within each income cohort, it does not yield insights on how or why the changes occurred (e.g. increased wages versus job loss).

Table 26: Five-Year Change in Household Income Distribution – Grand Rapids

| | Owner | % Change | Renter | % Change | Total | % Change |
|-----------------------|--------|----------|--------|----------|-------|----------|
| 0 - 30% AMI | 370 | 14.9% | -420 | -4.1% | -50 | -0.4% |
| 30% - 50% AMI | -505 | -11.5% | 115 | 1.6% | -390 | -3.4% |
| 50% - 80% AMI | 820 | 11.9% | 600 | 10.4% | 1,420 | 11.2% |
| 80% to - 100% AMI | -455 | -8.2% | 550 | 19.5% | 95 | 1.1% |
| Greater than 100% AMI | -1,500 | -6.8% | 1,065 | 19.4% | -435 | -1.6% |

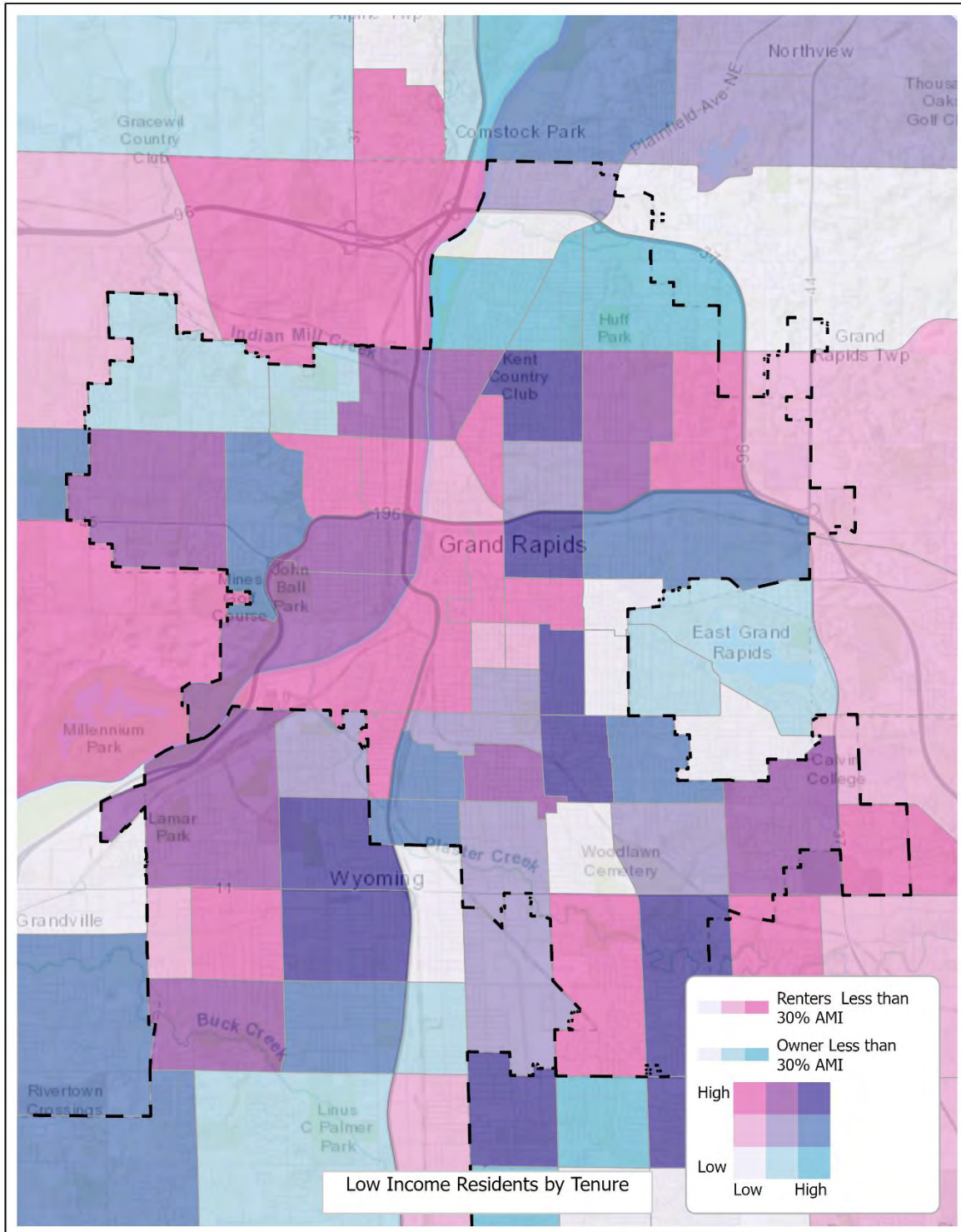
Source: 2008-2012 ACS, 2013-2017 ACS

On a positive note, the number of renter households earning less than 30% AMI declined by over 4%. There were also increases in the overall number of renter households in higher-income categories.

The number of homeowners earning less than 30% AMI increased by nearly 15%. These are likely senior or disabled homeowners with limited retirement or income streams. The increasing number of very low-income owner households may have difficulty in affording to maintain their homes in the future. Interestingly, Grand Rapids also saw a net decline in moderate- and upper-income households.

Figure 8 illustrates where extremely low-income Kent County residents live by tenure. The map shows the percentage of extremely low-income renters and homeowners on a gradient of low concentration to high concentration. Renter households are illustrated in pink and owner households are blue. The darker the shade, the higher the concentration of that particular household type. Areas that are white indicate a low percentage of extremely low-income renters and homeowners, while areas that are purple (a combination of pink and blue) indicate a high concentration of both low-income renters and homeowners. This map is useful to illustrate where these extremely low-income residents are concentrated and whether assistance programs should be targeted to renter households, owner households or both.

Figure 8: Low Income Residents by Tenure



Source: 2013-2017 CHAS

Cost burden

HUD defines housing cost burden as a household paying more than 30% of its income toward housing costs, including rent or mortgage, property taxes, and utilities. A severely cost burdened household is one paying 50% or more of its income toward housing costs. Cost burden is related to both income and housing costs, and can be solved by increasing household income, lowering housing costs, or a combination of both.

Lower income residents are more likely to have a high housing cost burden, which can lead to eviction or foreclosure, deferred maintenance, or reduced spending on other necessary items such as food, childcare, medical expenses, and transportation. Households with high-cost burden are at risk for a housing crisis which can lead to episodes of homelessness.

Table 27 illustrates that over 32% of all Grand Rapids households are cost burdened, and 17% are severely cost burdened. Not surprisingly, renters are more likely to be cost burdened. Nearly 50% of renter households are cost burdened, compared with almost 19% of owner households. The number of severely cost burdened renter households is more than three and a half times higher than the number of severely cost burdened homeowners.

Table 27: Housing Cost Burden – Grand Rapids

| Housing Cost Burden | Owner | | Renter | | Total | |
|---|--------|-------|--------|-------|--------|-------|
| Less than 30% of Income Spent on Housing (Not Burdened) | 32,265 | 80.8% | 16,040 | 47.9% | 48,305 | 65.8% |
| 30% to 50% Spent on Housing | 4,730 | 11.9% | 6,965 | 20.8% | 11,695 | 15.9% |
| 50% or More Spent on Housing | 2,710 | 6.8% | 9,765 | 29.1% | 12,475 | 17.0% |
| Cost Burden not available | 220 | 0.6% | 725 | 2.2% | 945 | 1.3% |
| Total | 39,925 | 100% | 33,495 | 100% | 73,420 | 100% |

Source: 2013 – 2017 CHAS

The prevalence of cost burdened households is most evident when also evaluating income. Table 28 illustrates the number of cost burdened and severely cost burdened owner and renter households by income categories. Households earning less than 30% AMI make up 17.45% of the total households in Grand Rapids. Nearly 80% of households earning less than 30% AMI are cost burdened, and over two-thirds have a severe housing cost burden. This is a stark contrast to those households earning more than 100% AMI, which make up over 36% of Grand Rapids households. Only 2.45% of those households are cost burdened and less than 1% are severely cost burdened. Programs and activities intended to lower the number of cost burdened households should be targeted to low- and very low-income owners and renters.

Table 28: Income by Cost Burden (Owners and Renters) – Grand Rapids

| | Cost Burden > 30% | | Severe Cost Burden > 50% | | Total Households | |
|-----------------------|-------------------|-------|--------------------------|--------|------------------|-------|
| 0 - 30% AMI | 10,195 | 79.6% | 8,565 | 66.9% | 12,810 | 17.5% |
| 30% - 50% AMI | 7,775 | 70.1% | 3,225 | 29.1% | 11,095 | 15.1% |
| 50% - 80% AMI | 4,790 | 34.0% | 590 | 4.2% | 14,095 | 19.2% |
| 80% to - 100% AMI | 760 | 9.0% | 85 | 1.0% | 8,445 | 11.5% |
| Greater than 100% AMI | 660 | 2.5% | 20 | 0.07% | 26,985 | 36.6% |
| Total | 24,180 | 32.9% | 12,485 | 17.00% | 73,430 | 100% |

Source: 2013 – 2017 CHAS

Table 29 illustrates the cost burden renter households face in Grand Rapids. Among the lowest income renter households, nearly 80% are cost burdened and nearly 70% are severely cost burdened. It is important to note the total number of cost burdened renters, especially at the lower end of the income spectrum far outnumber cost burdened homeowners. Of the 10,190 very low-income cost burdened owner and renter households 7,910 are renters. Programs designed to increase the incomes of these renters or provide rent subsidies are necessary to address this issue.

Programs to reduce cost burden among homeowners could target housing operating costs, such as utility costs. This can be done by creating programs to insulate older homes and provide Energy Star rated doors, windows, HVAC systems, and appliances. Additionally, first-time homebuyer down payment assistance programs can reduce mortgage loan amounts so monthly housing costs are less than 30% of household income.

Table 29: Income by Cost Burden (Renters Only) – Grand Rapids

| | Cost Burden > 30% | | Severe Cost Burden > 50% | | Total Renter Households | |
|-----------------------|-------------------|-------|--------------------------|-------|-------------------------|-------|
| 0 - 30% AMI | 7,910 | 79.4% | 6,970 | 70.0% | 9,960 | 29.7% |
| 30% - 50% AMI | 5,750 | 79.8% | 2,490 | 34.5% | 7,210 | 21.5% |
| 50% - 80% AMI | 2,490 | 38.9% | 240 | 3.8% | 6,395 | 19.1% |
| 80% to - 100% AMI | 310 | 9.2% | 45 | 1.3% | 3,375 | 10.1% |
| Greater than 100% AMI | 270 | 4.1% | 20 | 0.3% | 6,560 | 19.6% |
| Total | 16,730 | 49.9% | 9,765 | 29.2% | 33,500 | 100% |

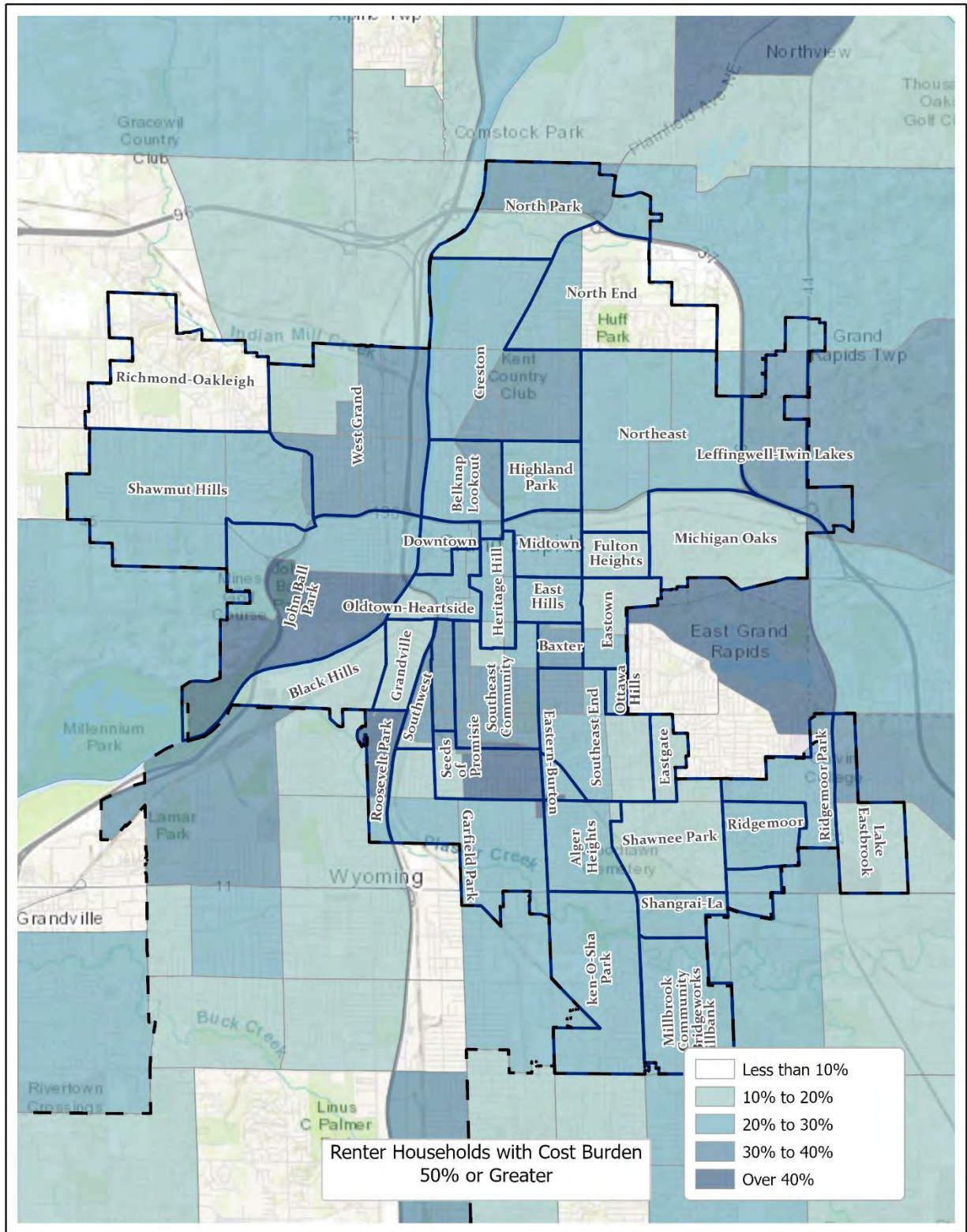
Source 2013 – 2017 CHAS

Table 30: Income by Cost Burden (Owners Only) – Grand Rapids

| | Cost Burden > 30% | | Severe Cost Burden > 50% | | Total Owner Households | |
|-----------------------|-------------------|--------|--------------------------|-------|------------------------|-------|
| 0 - 30% AMI | 2,280 | 80.0% | 1,590 | 55.8% | 2,850 | 7.1% |
| 30% - 50% AMI | 2,025 | 52.1% | 735 | 18.9% | 3,885 | 9.7% |
| 50% - 80% AMI | 2,295 | 29.8% | 345 | 4.5% | 7,700 | 19.3% |
| 80% to - 100% AMI | 450 | 8.9% | 40 | 0.8% | 5,070 | 12.7% |
| Greater than 100% AMI | 390 | 1.9% | 0 | 0.0% | 20,425 | 51.2% |
| Total | 7,440 | 18.63% | 2,710 | 6.79% | 39,930 | 100% |

Source 2013 – 2017 CHAS

Figure 9: Renter Households with Cost Burden of 50% or Greater



Source: 2013-2017 CHAS

Comparing the changes in the number of cost burdened households can reveal trends related to housing costs or income. In general, cost burden has improved over the past five years. Examining the 2008-2012 ACS versus the 2013-2017 ACS yields the following changes outlined in Table 31 and Table 32. As Table 31 illustrates, the total number of cost burdened households decreased over the preceding five years.

Table 31: Five-Year Net Change in Housing Cost Burden (Owners and Renters) – Grand Rapids

| | Cost Burden > 30% | | Cost Burden > 50% | | Total Households | |
|-----------------------|-------------------|--------|-------------------|--------|------------------|-------|
| 0 - 30% AMI | -115 | -1.1% | 170 | 2.0% | -50 | -0.4% |
| 30% - 50% AMI | -595 | -7.1% | -730 | -18.5% | -390 | -3.4% |
| 50% - 80% AMI | -725 | -13.2% | -480 | -44.9% | 1,420 | 11.2% |
| 80% to - 100% AMI | -905 | -54.4% | -80 | -48.5% | 95 | 1.1% |
| Greater than 100% AMI | -675 | -50.6% | -30 | -60.0% | -435 | -1.6% |
| Total | -3,015 | -11.1% | -1,150 | -8.4% | 640 | 0.9% |

Source: 2008-2012 ACS, 2013-2017 ACS

However, that decrease was largely driven by the decrease in cost burdened owners, illustrated in Source: 2008-2012 ACS, 2013-2017 ACS

Table 33. While the total number of cost burdened rental households declined, the number of severely cost burdened renter households increased by 189, illustrated in Table 32. The increasing number of renters experiencing a severe cost burden is a concern and could be related to the rising housing costs in Grand Rapids.

Table 32: Five-Year Net Change in Housing Cost Burden (Renters Only) – Grand Rapids

| | Cost Burden > 30% | | Cost Burden > 50% | | Households | |
|-----------------------|-------------------|--------|-------------------|--------|------------|-------|
| 0 - 30% AMI | -345 | -4.2% | 155 | 2.3% | -420 | -4.1% |
| 30% - 50% AMI | 105 | 1.9% | 30 | 1.2% | 115 | 1.2% |
| 50% - 80% AMI | 45 | 1.8% | 25 | 11.6% | 600 | 10.4% |
| 80% to - 100% AMI | -180 | -36.7% | -40 | -47.1% | 550 | 19.5% |
| Greater than 100% AMI | 85 | 46.0% | 19 | 19.0% | 1,065 | 19.4% |
| Total | -290 | -1.7% | 189 | 2.0% | 1,910 | 6.1% |

Source: 2008-2012 ACS, 2013-2017 ACS

Table 33: Five-Year Net Change in Housing Cost Burden (Owners Only) – Grand Rapids

| | Cost Burden > 30% | | Cost Burden > 50% | | Total Households | |
|-----------------------|-------------------|--------|-------------------|---------|------------------|--------|
| 0 - 30% AMI | 225 | 11.0% | 10 | 0.6% | 370 | 14.9% |
| 30% - 50% AMI | -695 | -25.6% | -755 | -50.7% | -505 | -11.5% |
| 50% - 80% AMI | -780 | -25.4% | -510 | -59.7% | 820 | 11.9% |
| 80% to - 100% AMI | -720 | -61.5% | -35 | -46.7% | -455 | -8.2% |
| Greater than 100% AMI | -765 | -66.2% | -50 | -100.0% | -1,500 | -6.8% |

| | | | | | | |
|-------|--------|--------|--------|--------|--------|-------|
| Total | -2,735 | -26.9% | -1,340 | -32.9% | -1,270 | -3.1% |
|-------|--------|--------|--------|--------|--------|-------|

Source: 2008-2012 ACS, 2013-2017 ACS

Household Type and Needs

The next section examines housing types and needs that are separate from the larger population in Grand Rapids. For example, the needs of small households (less than four people) are different than large families (more than five people) and it is necessary to understand the breadth of those needs for each housing type. In addition to housing type, this section looks at housing problems such as substandard housing and overcrowding.

Table 34 illustrates the number of households by household type and income range. Within Grand Rapids, there are 12,810 households that earn less than 30% AMI. Within that income range, 3,645 are small family households and 1,115 are large family households. More than 3,000 households earning less than 30% AMI have someone over the age of 62 in the home.

Table 34: Total Households – Grand Rapids

| | 0-30% AMI | >30-50% AMI | >50-80% AMI | >80-100% AMI | >100% AMI |
|---|-----------|-------------|-------------|--------------|-----------|
| Total Households | 12,810 | 11,095 | 14,095 | 8,445 | 26,985 |
| Small Family Households (less than four people) | 3,645 | 3,430 | 4,695 | 2,970 | 11,765 |
| Large Family Households (more than five people) | 1,115 | 1,185 | 1,530 | 925 | 1,990 |
| Household contains at least one person 62-74 years of age | 1,825 | 1,505 | 2,455 | 1,420 | 5,040 |
| Household contains at least one-person age 75 or older | 1,225 | 2,095 | 1,780 | 855 | 1,740 |
| Households with one or more children 6 years old or younger | 2,635 | 2,230 | 2,500 | 1,470 | 3,355 |

Source 2013 – 2017 CHAS

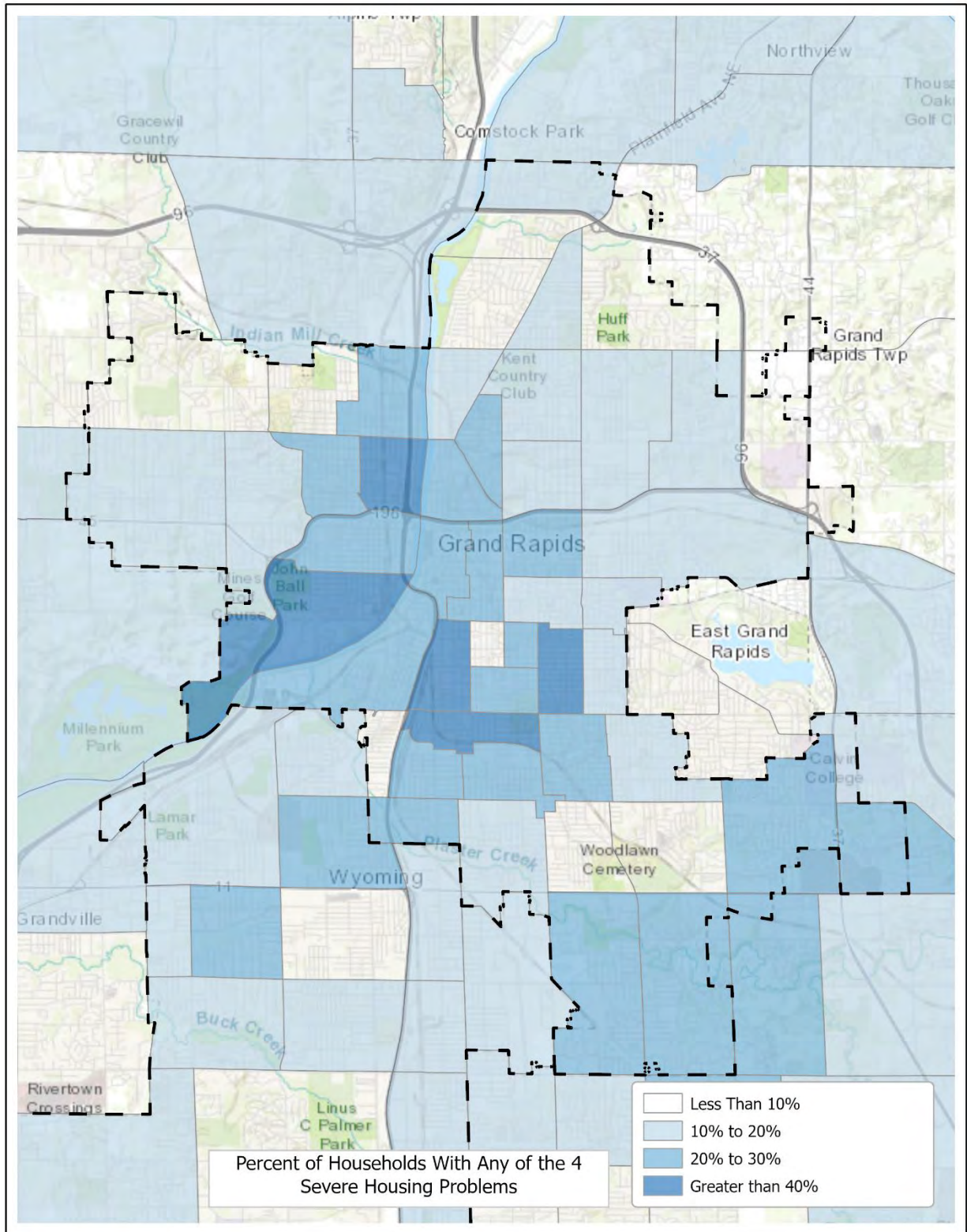
Table 35 outlines the number of households by income and tenure that face one or more housing problem (substandard housing, overcrowding, or cost burden). As the table indicates, renter households experience significantly more housing issues than homeowners. Within Grand Rapids, over 850 renter households live in substandard housing (lacking complete plumbing or kitchen facilities). Over 360 are living in severely overcrowded housing situations, and almost 9,000 renter households have a cost burden greater than 50%. Addressing the needs of low- and moderate-income renter households is a priority need in Grand Rapids.

Table 35: Households with Problems – Grand Rapids

| | Renter | | | | | Owner | | | | |
|---|-----------|-------------|-------------|--------------|--------------|-----------|-------------|-------------|--------------|-------------|
| | 0-30% AMI | >30-50% AMI | >50-80% AMI | >80-100% AMI | Renter Total | 0-30% AMI | >30-50% AMI | >50-80% AMI | >80-100% AMI | Owner Total |
| Substandard Housing – Lacking complete plumbing or kitchen facilities | 315 | 285 | 215 | 40 | 855 | 20 | 70 | 20 | 0 | 110 |
| Severely Overcrowded – With >1.51 people per room (and complete kitchen and plumbing) | 175 | 115 | 75 | 0 | 365 | 45 | 10 | 4 | 0 | 59 |
| Overcrowded - With 1.01-1.5 people per room (and none of the above problems) | 275 | 240 | 95 | 190 | 800 | 25 | 70 | 135 | 105 | 335 |
| Housing cost burden greater than 50% of income (and none of the above problems) | 6,410 | 2,245 | 190 | 35 | 8,880 | 1,570 | 725 | 345 | 40 | 2,680 |
| Housing cost burden greater than 30% of income (and none of the above problems) | 795 | 3,005 | 2,175 | 265 | 6,240 | 640 | 1,220 | 1,930 | 410 | 4,200 |
| Zero/negative Income (and none of the above problems) | 680 | 0 | 0 | 0 | 680 | 220 | 0 | 0 | 0 | 220 |

Source: 2013 – 2017 CHAS

Figure 11: Percent of Households with Severe Housing Problems



Source: 2013-2017 CHAS

Table 36 illustrates households with one or more Severe Housing Problems (lacks kitchen, lacks complete plumbing, overcrowding, cost burden). As the table indicates, nearly 11,000 renters have one or more housing problems, and the majority of those are very low-income renters. Additional income-based subsidy rental units are likely necessary to help address this issue.

Table 36: Households with Severe Housing Problems – Grand Rapids

| | Renter | | | | | Owner | | | | |
|---|-----------|-------------|-------------|--------------|--------------|-----------|-------------|-------------|--------------|-------------|
| | 0-30% AMI | >30-50% AMI | >50-80% AMI | >80-100% AMI | Renter Total | 0-30% AMI | >30-50% AMI | >50-80% AMI | >80-100% AMI | Owner Total |
| Having 1 or more of four housing problems | 7,175 | 2,885 | 575 | 260 | 10,895 | 1,655 | 875 | 510 | 145 | 3,185 |
| Having none of four housing problems | 2,105 | 4,320 | 5,820 | 3,115 | 15,360 | 970 | 3,010 | 7,190 | 4,925 | 16,095 |
| Having zero or negative income but none of the other housing problems | 680 | 0 | 0 | 0 | 680 | 220 | 0 | 0 | 0 | 220 |

Source: 2013 – 2017 CHAS

Table 37 and Table 38 illustrate the number of specific household types by income and tenure. Table 37 indicates there are 15,705 cost burdened renter households in Grand Rapids compared to 6,600 cost burdened owner households. In almost every category, the number of renter households with needs are nearly double the number of owner-households. Elderly households are the only housing type where the number of households with needs is similar between renters and owners.

Table 37: Types of Households with a Cost Burden Greater Than 30% - Grand Rapids

| | Renter | | | | Owner | | | |
|---------------|-----------|-------------|-------------|--------------|-----------|-------------|-------------|-------------|
| | 0-30% AMI | >30-50% AMI | >50-80% AMI | Renter Total | 0-30% AMI | >30-50% AMI | >50-80% AMI | Owner Total |
| Small Related | 2,590 | 2,105 | 380 | 5,075 | 520 | 525 | 740 | 1,785 |
| Large Related | 885 | 685 | 85 | 1,655 | 135 | 245 | 150 | 530 |
| Elderly | 1,250 | 1,025 | 520 | 2,795 | 815 | 855 | 690 | 2,360 |
| Other | 3,190 | 1,935 | 1,055 | 6,180 | 810 | 395 | 720 | 1,925 |
| Total | 7,915 | 5,750 | 2,040 | 15,705 | 2,280 | 2,020 | 2,300 | 6,600 |

Source: 2013 – 2017 CHAS

Table 38 illustrates the number of specific household types by income and tenure that have a cost burden greater than 50%. The number of renter households with needs far outweighs the number of owner households with needs.

Table 38: Types of Households with a Cost Burden Greater Than 50% - Grand Rapids

| | Renter | | | | Owner | | | |
|---------------|-----------|-------------|-------------|--------------|-----------|-------------|-------------|-------------|
| | 0-30% AMI | >30-50% AMI | >50-80% AMI | Renter Total | 0-30% AMI | >30-50% AMI | >50-80% AMI | Owner Total |
| Small Related | 2,235 | 1,020 | 70 | 3,325 | 430 | 190 | 40 | 660 |
| Large Related | 730 | 125 | 0 | 855 | 85 | 35 | 0 | 120 |
| Elderly | 1,050 | 495 | 125 | 1,670 | 440 | 330 | 175 | 945 |
| Other | 2,960 | 850 | 45 | 3,855 | 635 | 180 | 130 | 945 |
| Total | 6,975 | 2,490 | 240 | 9,705 | 1,590 | 735 | 345 | 2,670 |

Source: 2013 – 2017 CHAS

Table 39 illustrates the number of households with children under the age of six by income and tenure. Children under the age of six are at risk of lead-based paint poisoning. The number of low- and moderate-income renter households with children is nearly twice the number of owner households. Lead-based paint hazard remediation programs should target these households.

Table 39: Presence of Children Under Age 6 by Tenure and Income – Grand Rapids

| | Renter | | | | Owner | | | |
|----------------------------------|-----------|-------------|-------------|-------|-----------|-------------|-------------|-------|
| | 0-30% AMI | >30-50% AMI | >50-80% AMI | Total | 0-30% AMI | >30-50% AMI | >50-80% AMI | Total |
| Households with Children Present | 2,380 | 1,605 | 1,175 | 5,160 | 255 | 625 | 1,325 | 2,205 |

Source: 2013 – 2017 CHAS

City of Wyoming

Table 40 illustrates the income distribution of households within the City of Wyoming by tenure. Of the total households, approximately 25% have income at or below 50% AMI. Over 40% have incomes above 100% AMI. Among renter households, nearly 43% have incomes below 50% AMI and almost 24% have incomes at or below 30% AMI. This segment of renters is likely living on the financial edge and may be at risk for a housing crisis event.

Table 40: Income Distribution by Tenure – Wyoming

| | Owner | | Renter | | Total | |
|-----------------------|--------|-------|--------|-------|--------|-------|
| 0 - 30% AMI | 1,140 | 6.3% | 2,305 | 23.9% | 3,445 | 12.3% |
| 30% - 50% AMI | 1,660 | 9.1% | 1,825 | 18.9% | 3,485 | 12.5% |
| 50% - 80% AMI | 3,465 | 19.0% | 2,700 | 27.9% | 6,165 | 22.1% |
| 80% to - 100% AMI | 2,570 | 14.1% | 890 | 9.2% | 3,460 | 12.4% |
| Greater than 100% AMI | 9,410 | 51.6% | 1,945 | 20.1% | 11,355 | 40.7% |
| Total | 18,245 | 100% | 9,665 | 100% | 27,910 | 100% |

Source: 2013 – 2017 ACS

Table 41 illustrates the five-year change in households by income and tenure in Wyoming. The number of extremely low-income households grew by nearly 10 percent, driven largely by the increase in extremely low-income renter households. The number of low- and moderate-income households grew overall in Wyoming, while there was a net loss of households earning above 100% AMI.

Table 41: Five-Year Change in Household Income Distribution – Wyoming

| | Owner | % Change | Renter | % Change | Total | % Change |
|-----------------------|-------|----------|--------|----------|-------|----------|
| 0 - 30% AMI | 40 | 3.6% | 270 | 13.3% | 310 | 9.9% |
| 30% - 50% AMI | -150 | -8.3% | 30 | 1.8% | -120 | -3.3% |
| 50% - 80% AMI | 225 | 6.9% | 250 | 10.2% | 475 | 8.4% |
| 80% to - 100% AMI | 235 | 10.1% | -65 | -6.8% | 170 | 5.2% |
| Greater than 100% AMI | -260 | -2.7% | 70 | 3.7% | -190 | -1.6% |

Source: 2008-2012 ACS, 2013-2017 ACS

Approximately 27% of Wyoming households experience a cost burden of at least 30%, illustrated in Table 42. Many renters face significant cost burden in Wyoming. Unlike Grand Rapids, the number of households with a housing cost burden of at least 30% are nearly evenly split between owner and renter households. However, the number of renter households with a cost burden greater than 50% is nearly double the number of owner households.

Table 42: Housing Cost Burden - Wyoming

| | Owner | | Renter | | Total Households | |
|---------------------------|--------|-------|--------|-------|------------------|-------|
| Less than 30% | 14,885 | 81.5% | 5,210 | 53.9% | 20,095 | 72.0% |
| 30% to 50% | 2,285 | 12.5% | 2,249 | 23.3% | 4,534 | 16.2% |
| Greater than 50% | 1,000 | 5.5% | 2,104 | 21.8% | 3,104 | 11.1% |
| Cost Burden not available | 85 | 0.5% | 100 | 1.0% | 185 | 0.7% |
| Total | 18,255 | 100% | 9,663 | 100% | 27,918 | 100% |

Source: 2013 – 2017 CHAS

Lower income households are more likely to face housing cost burden situations. Table 43 illustrates that 85% of very low-income Wyoming residents have a housing cost burden greater than 30%, and nearly 70% have a severe cost burden.

Table 43: Income by Cost Burden (Owners and Renters) - Wyoming

| | Cost Burden > 30% | | Severe Cost Burden > 50% | | Total Households | |
|-----------------------|-------------------|-------|--------------------------|-------|------------------|-------|
| 0 - 30% AMI | 2,940 | 85.3% | 2,405 | 69.8% | 3,445 | 12.3% |
| 30% - 50% AMI | 2,585 | 74.2% | 640 | 18.4% | 3,485 | 12.5% |
| 50% - 80% AMI | 1,720 | 27.9% | 50 | 0.8% | 6,165 | 22.1% |
| 80% to - 100% AMI | 169 | 4.9% | 4 | 0.1% | 3,460 | 12.4% |
| Greater than 100% AMI | 220 | 1.9% | 0 | 0.0% | 11,355 | 40.7% |
| Total | 7,634 | 27.4% | 3,099 | 11.1% | 27,910 | 100% |

Source: 2013 – 2017 CHAS

Table 44 and Table 45 illustrate cost burden by household tenure. Not surprisingly, there are a higher number of cost burdened renter households than homeowners. However, there are more cost burdened upper income homeowners than renters in the same income category.

Table 44: Income by Cost Burden (Renters Only) - Wyoming

| | Cost Burden > 30% | | Severe Cost Burden > 50% | | Total Households | |
|-----------------------|-------------------|-------|--------------------------|-------|------------------|-------|
| 0 - 30% AMI | 1,985 | 86.1% | 1,765 | 76.6% | 2,305 | 23.9% |
| 30% - 50% AMI | 1,475 | 80.8% | 295 | 16.2% | 1,825 | 18.9% |
| 50% - 80% AMI | 845 | 31.3% | 40 | 1.5% | 2,700 | 27.9% |
| 80% to - 100% AMI | 44 | 4.9% | 4 | 0.5% | 890 | 9.2% |
| Greater than 100% AMI | 4 | 0.2% | 0 | 0.0% | 1,945 | 20.1% |
| Total | 4,353 | 45.0% | 2,104 | 21.8% | 9,665 | 100% |

Source: 2013 – 2017 CHAS

Table 45: Income by Cost Burden (Owners Only) - Wyoming

| | Cost Burden > 30% | | Severe Cost Burden > 50% | | Total Households | |
|-----------------------|-------------------|-------|--------------------------|-------|------------------|-------|
| 0 - 30% AMI | 955 | 83.8% | 640 | 56.1% | 1,140 | 6.3% |
| 30% - 50% AMI | 1,110 | 66.9% | 345 | 20.8% | 1,660 | 9.1% |
| 50% - 80% AMI | 880 | 25.4% | 15 | 0.4% | 3,465 | 19.0% |
| 80% to - 100% AMI | 125 | 4.9% | 0 | 0.0% | 2,570 | 14.1% |
| Greater than 100% AMI | 215 | 2.3% | 0 | 0.0% | 9,410 | 51.6% |
| Total | 3,285 | 18.0% | 1,000 | 5.5% | 18,245 | 100% |

Source: 2013 – 2017 CHAS

The following three tables compare the present data to the previous Consolidated Plan period, showing the five-year net change from 2008-2012 CHAS to 2013-2017 CHAS.

As illustrated in Table 46, Wyoming saw a significant drop in the overall number of cost burdened households over the previous five-year period. However, there was an increase in the number of very low-income households who are cost burdened.

Table 46: Five-Year Net Change in Housing Cost Burden (Owners and Renters) - Wyoming

| | Cost Burden > 30% | % Change | Cost Burden > 50% | % Change | Total Households | % Change |
|-----------------------|-------------------------------------|---------------------|-------------------------------------|---------------------|-----------------------------|---------------------|
| 0 - 30% AMI | 365 | 14.2% | 165 | 7.4% | 310 | 9.9% |
| 30% - 50% AMI | -170 | -6.2% | -550 | -46.2% | -120 | -3.3% |
| 50% - 80% AMI | -525 | -23.4% | -295 | -85.5% | 475 | 8.4% |
| 80% to - 100% AMI | -471 | -73.6% | -76 | -95.0% | 170 | 5.2% |
| Greater than 100% AMI | -590 | -72.8% | -55 | -100.0% | -190 | -1.7% |
| Total | -1,391 | -15.4% | -796 | -20.4% | 650 | 2.4% |

Source: 2008-2012 CHAS, 2013-2017 CHAS

Table 47 and Table 48 show the overall drop in cost burdened households was driven by the significant reduction of homeowners facing a cost burden. The number of renter households experiencing a cost burden went up in every category except those earning over 100% AMI.

Table 47: Five-Year Net Change in Housing Cost Burden (Renters Only) - Wyoming

| | Cost Burden > 30% | % Change | Cost Burden > 50% | % Change | Total Households | % Change |
|-----------------------|-------------------------------------|---------------------|-------------------------------------|---------------------|-----------------------------|---------------------|
| 0 - 30% AMI | 385 | 24.1% | 290 | 19.7% | 270 | 13.3% |
| 30% - 50% AMI | 15 | 1.0% | -205 | -41.0% | 30 | 1.7% |
| 50% - 80% AMI | 105 | 14.2% | 5 | 14.3% | 250 | 10.2% |
| 80% to - 100% AMI | 29 | 193.3% | -11 | -73.3% | -65 | -6.8% |
| Greater than 100% AMI | -131 | -97.0% | -20 | -100.0% | 70 | 3.7% |
| Total | 403 | 10.2% | 59 | 2.9% | 555 | 6.1% |

Source: 2008-2012 CHAS, 2013-2017 CHAS

Table 48: Five-Year Net Change in Housing Cost Burden (Owners Only) - Wyoming

| | Cost Burden > 30% | % Change | Cost Burden > 50% | % Change | Total Households | % Change |
|-----------------------|-------------------------------------|---------------------|-------------------------------------|---------------------|-----------------------------|---------------------|
| 0 - 30% AMI | -10 | -1.0% | -120 | -15.8% | 40 | 3.6% |
| 30% - 50% AMI | -180 | -14.0% | -340 | -49.6% | -150 | -8.3% |
| 50% - 80% AMI | -625 | -41.5% | -295 | -95.2% | 225 | 6.9% |
| 80% to - 100% AMI | -500 | -80.0% | -65 | -100.0% | 235 | 10.1% |
| Greater than 100% AMI | -455 | -67.9% | -35 | -100.0% | -260 | -2.7% |
| Total | -1,770 | -35.0% | -855 | -46.1% | 95 | 0.5% |

Source: 2008-2012 CHAS, 2013-2017 CHAS

City of Wyoming Household Type and Needs

The next section examines unique needs and housing types in Wyoming, such as the needs of small households, large families, seniors, etc. In addition, this section examines problems such as substandard housing and overcrowding.

Table 49: Select Household Types by Income - Wyoming

| | < 30% AMI | 30-50% AMI | 50-80% AMI | 80-100% AMI | >100% AMI |
|---|-----------|------------|------------|-------------|-----------|
| Total Households | 3,445 | 3,485 | 6,165 | 3,460 | 11,355 |
| Small Family Households | 1,215 | 1,025 | 2,235 | 1,765 | 6,235 |
| Large Family Households | 340 | 390 | 770 | 320 | 970 |
| Household contains at least one person 62-74 years of age | 560 | 555 | 970 | 700 | 1,965 |
| Household contains at least one person age 75 or older | 270 | 615 | 695 | 119 | 530 |
| Households with one or more children 6 years old or younger | 660 | 695 | 1,630 | 775 | 1,789 |

Source: 2013 – 2017 CHAS

Table 50 outlines the number of households by income and tenure that face at least one housing problem (substandard housing, overcrowding, or cost burden). As the table indicates, renter households experience substantially more housing issues than homeowners. Nearly four times as many renter households live in substandard housing compared to owner households. Within Wyoming, there are 635 households living in overcrowded or severely overcrowded situations, compared with only 199 owner households. The only area where the number of renter and owner households are similar are those households experiencing a cost burden greater than 50%.

Table 50: Households with Problems – Wyoming

| | Renter | | | | | Owner | | | | |
|---|-----------|-------------|-------------|--------------|--------------|-----------|-------------|-------------|--------------|-------------|
| | 0-30% AMI | >30-50% AMI | >50-80% AMI | >80-100% AMI | Renter Total | 0-30% AMI | >30-50% AMI | >50-80% AMI | >80-100% AMI | Owner Total |
| Substandard Housing – Lacking complete plumbing or kitchen facilities | 0 | 90 | 25 | 20 | 135 | 15 | 4 | 15 | 0 | 34 |
| Severely Overcrowded – With >1.51 people per room (and complete kitchen and plumbing) | 230 | 165 | 135 | 0 | 530 | 0 | 45 | 90 | 50 | 185 |
| Overcrowded - With 1.01-1.5 people per room (and none of the above problems) | 0 | 65 | 40 | 0 | 105 | 0 | 4 | 0 | 10 | 14 |
| Housing cost burden greater than 50% of income (and none of the above problems) | 220 | 1,045 | 795 | 25 | 2,085 | 315 | 725 | 800 | 125 | 1,965 |
| Housing cost burden greater than 30% of income (and none of the above problems) | 1,540 | 235 | 40 | 0 | 1,815 | 640 | 345 | 15 | 0 | 1,000 |
| Zero/negative Income (and none of the above problems) | 100 | 0 | 0 | 0 | 100 | 85 | 0 | 0 | 0 | 85 |

Source: 2013 – 2017 CHAS

Table 51 illustrates households with one or more Severe Housing Problems (lacks kitchen, complete plumbing, overcrowding, cost burden). As the table indicates, over 2,500 renter households have one or more housing problems, and the majority of those are very low-income renters. Additional income-based subsidy rental units are likely necessary to address this issue.

Table 51: Households with Severe Housing Problems – Wyoming

| | Renter | | | | | Owner | | | | |
|---|-----------|-------------|-------------|--------------|--------------|-----------|-------------|-------------|--------------|-------------|
| | 0-30% AMI | >30-50% AMI | >50-80% AMI | >80-100% AMI | Renter Total | 0-30% AMI | >30-50% AMI | >50-80% AMI | >80-100% AMI | Owner Total |
| Having 1 or more of four housing problems | 1,775 | 555 | 240 | 20 | 2,590 | 655 | 405 | 120 | 60 | 1,240 |
| Having none of four housing problems | 430 | 1,270 | 2,460 | 870 | 5,030 | 400 | 1,260 | 3,345 | 2,510 | 7,515 |
| Having zero or negative income but none of the other housing problems | 100 | 0 | 0 | 0 | 100 | 85 | 0 | 0 | 0 | 85 |

Source: 2013 – 2017 CHAS

Table 52 illustrates the number of households with a cost burden greater than 30% by household type and tenure. Small households in Wyoming, regardless of tenure, have the highest number of cost burdened households.

Table 52: Types of Households with a Cost Burden Greater Than 30% – Wyoming

| | Renter | | | | Owner | | | |
|----------------------|-----------|-------------|-------------|--------------|-----------|-------------|-------------|-------------|
| | 0-30% AMI | >30-50% AMI | >50-80% AMI | Renter Total | 0-30% AMI | >30-50% AMI | >50-80% AMI | Owner Total |
| Small Related | 690 | 360 | 250 | 1,300 | 340 | 440 | 275 | 1,055 |
| Large Related | 260 | 105 | 45 | 410 | 70 | 155 | 105 | 330 |
| Elderly | 259 | 259 | 259 | 259 | 259 | 259 | 259 | 259 |
| Other | 1,984 | 1,474 | 845 | 4,303 | 950 | 1,110 | 878 | 2,938 |
| Total need by income | 3,193 | 2,198 | 1,399 | 6,272 | 1,619 | 1,964 | 1,517 | 4,582 |

Source: 2013 – 2017 CHAS

Table 53 illustrates the number of Wyoming households with a cost burden greater than 50% by tenure and household type.

Table 53: Types of Households with a Cost Burden Greater Than 50% – Wyoming

| | Renter | | | | Owner | | | |
|----------------------|-----------|------------|------------|--------------|-----------|------------|------------|-------------|
| | < 30% AMI | 30-50% AMI | 50-80% AMI | Renter Total | < 30% AMI | 30-50% AMI | 50-80% AMI | Owner Total |
| Small Related | 560 | 35 | 0 | 595 | 305 | 110 | 0 | 415 |
| Large Related | 260 | 0 | 0 | 260 | 25 | 10 | 0 | 35 |
| Elderly | 229 | 229 | 229 | 229 | 229 | 229 | 229 | 229 |
| Other | 710 | 85 | 10 | 805 | 135 | 85 | 4 | 224 |
| Total Need by Income | 1,759 | 349 | 239 | 1,889 | 694 | 434 | 233 | 903 |

Source: 2013 – 2017 CHAS

Table 54 identifies the number of children under the age of six by tenure and income. There are nearly 3,000 children in low- and moderate-income households in Wyoming. Renter households have the majority of very low- and low-income households with young children.

Table 54: Presence of Children Under Age 6 by Tenure and Income – Wyoming

| | Renter | | | | Owner | | | |
|--------------------------------------|-----------|------------|------------|--------------|-----------|------------|------------|-------------|
| | < 30% AMI | 30-50% AMI | 50-80% AMI | Renter Total | < 30% AMI | 30-50% AMI | 50-80% AMI | Owner Total |
| Households with Children Under Age 6 | 435 | 440 | 725 | 1,600 | 225 | 255 | 905 | 1,385 |

Source: 2013 – 2017 CHAS

Describe the number and type of single person households in need of housing assistance.

Table 55 illustrates the number of single (non-family) households within each jurisdiction that are cost burdened. Within Grand Rapids, there are approximately 13,000 cost burdened non-family households, and about one third of the households are elderly. In Wyoming, of the over 3,800 non-family households nearly a third are elderly. In the balance of the County, the split is nearly even. In each jurisdiction there are more cost burdened renter households than owner occupied households.

Table 55: Cost Burdened Non-Family Households

| | Cost Burden 30-50% | | Cost Burden > 50% | | Total |
|---|--------------------|-------|-------------------|-------|-------|
| | Renter | Owner | Renter | Owner | |
| Grand Rapids | | | | | |
| Household type is elderly non-family | 1,065 | 1,030 | 1,610 | 600 | 4,305 |
| Other household type (non-elderly non-family) | 2,620 | 1,205 | 3,855 | 945 | 8,625 |
| Wyoming | | | | | |
| Household type is elderly non-family | 285 | 350 | 399 | 244 | 1,278 |
| Other household type (non-elderly non-family) | 989 | 565 | 805 | 224 | 2,583 |
| Balance of County | | | | | |
| Household type is elderly non-family | 1,020 | 2,350 | 961 | 1,761 | 6,092 |
| Other household type (non-elderly non-family) | 2,386 | 1,405 | 1,860 | 1,126 | 6,777 |

Source: 2013 – 2017 CHAS

Estimate the number and type of families in need of housing assistance who are disabled or victims of domestic violence, dating violence, sexual assault and stalking.

This section examines the potential housing assistance needs for the most vulnerable residents in the community. Table 56 illustrates the number of households within each community where at least one member has a disability. A household may report more than one disability. Within the balance of the County, over 53,000 households have a member with a disability. Of those households, 15,355 have incomes less than 30% AMI. Those residents may be the most vulnerable and have the least means to pay for care or home modifications necessary to remain housed independently.

Over 52,000 households in Grand Rapids have a member that reports one or more disabilities. Of those households, 20,740 have incomes of less than 30% AMI.

Within Wyoming, over 17,700 households have a member who reports one or more disabilities. Of those, 5,495 have incomes less than 30% AMI.

Table 56: Households by Income with at Least One Member with a Disability

| | Cognitive limitation | Vision Impairment | Self-Care or Independent Living Limitation | Ambulatory limitation | Total |
|--------------------------|---------------------------------|------------------------------|---|----------------------------------|---------------|
| Grand Rapids | | | | | |
| 0% to 30% AMI | 5,580 | 3,480 | 5,890 | 5,790 | 20,740 |
| 30% to 50% AMI | 4,250 | 3,470 | 4,180 | 4,625 | 16,525 |
| 50% to 80% AMI | 3,370 | 3,530 | 3,840 | 4,615 | 15,355 |
| Total | 13,200 | 10,480 | 13,910 | 15,030 | 52,620 |
| Wyoming | | | | | |
| 0% to 30% AMI | 1,620 | 840 | 1,345 | 1,690 | 5,495 |
| 30% to 50% AMI | 1,330 | 1,190 | 1,350 | 1,835 | 5,705 |
| 50% to 80% AMI | 1,580 | 1,290 | 1,830 | 1,860 | 6,560 |
| Total | 4,530 | 3,320 | 4,535 | 5,385 | 17,760 |
| Balance of County | | | | | |
| 0% to 30% AMI | 3,955 | 3,200 | 3,530 | 4,670 | 15,355 |
| 30% to 50% AMI | 3,160 | 4,100 | 4,080 | 5,090 | 16,430 |
| 50% to 80% AMI | 5,135 | 5,130 | 4,970 | 6,590 | 21,825 |
| Total | 12,250 | 12,430 | 12,580 | 16,350 | 53,610 |

Source: 2013-2017 CHAS

Domestic Violence

Statistics on domestic violence, dating violence and sex crimes by known subjects are difficult to obtain because historically data on known versus unknown offenders was not captured through the Uniform Crime Reporting (UCR) system. Many police agencies are migrating to the National Incident Based Reporting System (NIBRS) which collects a higher degree of data specificity. While Grand Rapids reports crimes in NIBRS, the victim / offender relationship data is not collected. However, in 2019 there were 144 rapes reported, and 60% of those occurred at a residence. The Kent County Sheriff's Office reported 135 rapes with 77% occurring at a residence.

The YWCA provides shelter and care for women and families affected by domestic and sexual violence. Between October 1, 2018 and September 30, 2019, the YWCA served 641 women and their children in emergency shelter and long-term supportive housing. During that same time period, the agency provided rape exams to 341 women, including 138 children.

What are the most common housing problems?

Cost burden is the most common housing problem for each community, followed by overcrowding. Cost burden problems can be addressed through raising household wages or reducing the overall housing costs.

Table 57: Housing Problems by Community

| | Grand Rapids | | Wyoming | | Balance of County | |
|---|--------------|-------|---------|-------|-------------------|-------|
| Lacking complete plumbing or kitchen facilities | 1,345 | 5.2% | 214 | 2.6% | 746 | 2.5% |
| Cost burden greater than 30% but less than or equal to 50% | 11,020 | 42.7% | 4,269 | 52.0% | 16,701 | 55.7% |
| Cost burden greater than 50% | 11,560 | 44.8% | 2,815 | 34.3% | 10,655 | 35.5% |
| With more than 1 but less than or equal to 1.5 persons per room | 1,385 | 5.4% | 739 | 9.0% | 1,436 | 4.8% |
| With more than 1.5 persons per room | 494 | 1.9% | 174 | 2.1% | 457 | 1.5% |
| Total | 25,804 | 100% | 8,211 | 100% | 29,995 | 100% |

Source: 2013 – 2017 CHAS

Are any populations/household types more affected than others by these problems?

As discussed earlier, low and very low-income renter households are the most effected households with housing problems, particularly issues of cost burden. Non-family households have a greater rate of housing problems than family households. To effectively address these issues, strategies and activities must increase household wages and reduce overall housing costs.

Describe the characteristics and needs of Low-income individuals and families with children (especially extremely low-income) who are currently housed but are at imminent risk of either residing in shelters or becoming unsheltered 91.205(c)/91.305(c)). Also discuss the needs of formerly homeless families and individuals who are receiving rapid re-housing assistance and are nearing the termination of that assistance.

Individuals at most risk of experiencing homelessness are low-income renters living in overcrowded housing that is not their own. They are living with family or friends. Table 58 shows the number of subfamily households, living in overcrowded situations, and income is less than 80% AMI. There are approximately 500 households at risk.

Table 58: Households at Risk of Homelessness

| | Grand Rapids | Wyoming | Balance of County |
|-----------------|--------------|---------|-------------------|
| Owner Occupied | 108 | 10 | 142 |
| Renter Occupied | 145 | 94 | 1 |
| Total | 253 | 104 | 143 |

Source: 2013 – 2017 CHAS

Homeless needs focus group attendees indicted a need for additional Housing Choice Vouchers and permanent housing as priorities to address the needs of those in rapid rehousing or living in emergency

shelters but have the ability to live in permanent housing. Additional deeply subsidized housing units need to be developed to meet these needs.

Black families are at disproportionate risk of becoming homeless in Kent County. According to KConnect “Redefining the Path Home: System Building for Housing Stability in Kent County” (2020), one (1) in six (6) African American children in Kent County were in the homeless system in 2019, compared to one (1) in 130 White children.

If a jurisdiction provides estimates of the at-risk population(s), it should also include a description of the operational definition of the at-risk group and the methodology used to generate the estimates:

See above.

Specify particular housing characteristics that have been linked with instability and an increased risk of homelessness.

See above.

Discussion

The Grand Rapids and Kent County region continues to grow and add population. Within the region, Grand Rapids is the largest city making up approximately 30% of the population. City of Wyoming residents comprise 12% of the Kent County population, and the remaining townships, villages and cities comprise the remaining 58% of the county’s population. Despite a drop in population between 2000 and 2010 in Grand Rapids, Census estimates and projections indicate an increase over the five-year consolidated plan period. The County is estimated to add 26,331 additional residents over the next five years. Grand Rapids is estimated to gain 7,250 additional residents, Wyoming 2,900 new residents, and the balance of the county 16,181.

Many residents, particularly low-income renters and owners face high housing cost burdens and reside in substandard housing:

- More than 22,500 Grand Rapids households are cost burdened.
- More than 17,000 Balance of County households are cost burdened.
- Over 500 Kent County households are at risk of homelessness due to their housing or living conditions.

As the housing needs assessment indicates, there is a need for additional affordable housing to address issues of affordability for current residents. As the population continues to grow, this issue will continue to worsen. With an already tight housing market, additional units will need to be brought online to effectively accommodate this projected growth.

ATTACHMENT C

| Grand Rapids Housing Commission Housing Choice Voucher (HCV) Administrative Plan and Low Income Public Housing (LIPH) Admission and Continued Occupancy Plan (ACOP) Moving to Work (MTW) Flexibilities and Waivers | | | | |
|---|--|--|---|---|
| Area of Change | Description | Programs/ Developments | Chapter(s) Changed | Groups Affected |
| MTW Waivers | | | | |
| Recertifications | The GRHC will decrease the frequency of recertifications from annual to biennial for elderly and/or disabled households that are on a fixed income. | <ul style="list-style-type: none"> • LIPH • HCV Programs | <ul style="list-style-type: none"> • ACOP <ul style="list-style-type: none"> ○ Chapter 9 • Admin Plan <ul style="list-style-type: none"> ○ Chapter 11 | <ul style="list-style-type: none"> • Residents • Participants • GRHC Staff |
| | The GRHC will also limit Interim Recertifications (IR) for elderly and/or disabled families on fixed incomes to decreases of income that are greater than 10% of the family/household's gross annual income and/or household composition changes. Residents may request a hardship exemption to waive the MTW activity. | | | |
| | The GRHC will allow participants to self-certify their assets up to \$50,000. | <ul style="list-style-type: none"> • LIPH • HCV Programs | <ul style="list-style-type: none"> • ACOP <ul style="list-style-type: none"> ○ Chapter 7 • Admin Plan <ul style="list-style-type: none"> ○ Chapter 7 | <ul style="list-style-type: none"> • Residents • Participants • GRHC Staff |
| Landlord Incentives | The GRHC in its effort to increase and support housing choice, will implement a vacancy claim program. The GRHC will offer a vacancy loss payment worth one (1) month's contract rent, payable upon execution of a new HAP contract with the GRHC. | <ul style="list-style-type: none"> • HCV Programs | <ul style="list-style-type: none"> • Admin Plan <ul style="list-style-type: none"> ○ Chapter 13 | <ul style="list-style-type: none"> • Owners/Landlords |
| | The GRHC in efforts to incentivize and increase landlord participation in its tenant-based assistance programs will further expand its Landlord Incentive program. The incentives are as follows: <ul style="list-style-type: none"> • New landlords receive \$1,000 dollars after an executed HAP contract. • Returning landlords that have not signed a HAP contract for more than 12 months; receive \$1,000 after an executed HAP contract. • Current participating landlords, receive \$500 per new unit that has an executed HAP contract, up to a three (3) unit maximum. • A referral bonus of \$200 to current participating landlords for each new landlord that executes a HAP contract. Limited to up to 5 Referrals. • Non-monetary incentives including Landlord portal, Landlord workshops, Streamlining the inspection process, a landlord liaison, and | <ul style="list-style-type: none"> • HCV Programs | <ul style="list-style-type: none"> • Admin Plan <ul style="list-style-type: none"> ○ Chapter 13 | <ul style="list-style-type: none"> • Owners/Landlords • GRHC Staff |
| HQS | The GRHC will offer pre-qualifying inspections for units in its jurisdiction. Passing pre-qualifying inspections will be valid for 90 days from the passed inspection date. | <ul style="list-style-type: none"> • HCV Programs | <ul style="list-style-type: none"> • Admin Plan <ul style="list-style-type: none"> ○ Chapter 8 | <ul style="list-style-type: none"> • GRHC Staff • Owners/Landlords |
| | The GRHC will no longer require a third party to conduct inspections at PBV properties that the GRHC has an interest. | <ul style="list-style-type: none"> • HCV Programs | <ul style="list-style-type: none"> • Admin Plan <ul style="list-style-type: none"> ○ Chapter 8 ○ Chapter 17 | <ul style="list-style-type: none"> • GRHC Staff |
| | The GRHC will inspect assisted units of eligible households once every two years for landlords that have passed their initial inspection. Eligible households and participating landlords may request interim (special/complaint) inspection at any time during the term of the HAP contract. | <ul style="list-style-type: none"> • HCV Programs | <ul style="list-style-type: none"> • Admin Plan <ul style="list-style-type: none"> ○ Chapter 8 | <ul style="list-style-type: none"> • GRHC Staff • Owners/Landlords |
| Project Based Vouchers | The GRHC will increase the PBV Program Cap up to 50% of its housing choice authorized units for project-based vouchers. | <ul style="list-style-type: none"> • HCV Programs | <ul style="list-style-type: none"> • Admin Plan <ul style="list-style-type: none"> ○ Chapter 17 | <ul style="list-style-type: none"> • Partners |
| | The GRHC will increase the PBV Project Cap up to 100% of the project units. | <ul style="list-style-type: none"> • HCV Programs | <ul style="list-style-type: none"> • Admin Plan <ul style="list-style-type: none"> ○ Chapter 17 | <ul style="list-style-type: none"> • Partners |
| | The GRHC will utilize the elimination of PBV Selection Process for PHA-owned Projects without improvement, development, or replacement in order to reduce costs associated with the RFP process. | <ul style="list-style-type: none"> • HCV Programs | <ul style="list-style-type: none"> • Admin Plan <ul style="list-style-type: none"> ○ Chapter 17 | <ul style="list-style-type: none"> • GRHC |
| | The GRHC will use HUD's published Fair Market Rents (FMR) to determine contract rent increases on an annual basis for PBVs utilized at its housing developments. | <ul style="list-style-type: none"> • HCV Programs | <ul style="list-style-type: none"> • Admin Plan <ul style="list-style-type: none"> ○ Chapter 17 | <ul style="list-style-type: none"> • Partners • GRHC Staff |
| | The GRHC will no longer require a third party to conduct rent reasonableness tests at PBV properties that the GRHC owns, manages, or controls. | <ul style="list-style-type: none"> • HCV Programs | <ul style="list-style-type: none"> • Admin Plan <ul style="list-style-type: none"> ○ Chapter 17 | <ul style="list-style-type: none"> • GRHC Staff |

MTW flexibilities are outlined in the Administrative Plan and ACOP in Green Text boxes. Changes will be effective upon HUD approval of Waivers

| Grand Rapids Housing Commission Housing Choice Voucher (HCV) Administrative Plan and Low Income Public Housing (LIPH) and Continued Occupancy Plan (ACOP) Operational Plan Changes | | | | |
|---|--|--|--|---|
| Area of Change | Description | Programs/ Developments | Chapter(s) Changed | Groups Effected |
| Operational Changes | | | | |
| Criminal Background Procedures | The GRHC has updated the criminal background procedure for HCV and LIPH programs. The changes include a scoring criterion, which allows for objectivity and consistency in the interpretation of criminal background checks across the agency. | <ul style="list-style-type: none"> • LIPH • HCV Programs | <ul style="list-style-type: none"> • ACOP <ul style="list-style-type: none"> ○ Chapter 3 • Admin Plan <ul style="list-style-type: none"> ○ Chapter 3 | <ul style="list-style-type: none"> • Residents • Participants • GRHC Staff |
| Streamlining | The GRHC HCV Administrative Plan has been streamlined to remove ambiguity on policy decisions. The plan has been reduced in size and repetitions removed. Policy changes did not occur during this process. | • HCV Programs | • Admin Plan | • GRHC Staff |
| | Volume and Content of Documentation: The Grand Rapids Housing Commission (GRHC) has increased the volume of information in the Adams Park, Admission and Continued Occupancy Policy (ACOP) from 77 to 188 pages to efficiently manage the daily operations of Asset Management. | • LIPH | • ACOP | <ul style="list-style-type: none"> • Residents • Participants • GRHC Staff |
| Calendar Days | All time frames stipulated in the Administrative Plan have all been transitioned to calendar days, unless otherwise noted in the plan. | • HCV Programs | • Admin Plan | <ul style="list-style-type: none"> • GRHC Staff • Residents • Participants • Owners/Landlords • Partners |
| Additions | Local Preferences were modified on the HCV Waiting List: <ul style="list-style-type: none"> • Added: The GRHC will provide a preference to Homeless Households that are referred by the local Continuum of Care (CoC) limited to 25% of the annual attrition of the HCV program. • Deleted: The GRHC will offer a preference to Moderate Rehabilitation families who are residing in a GRHC unit that is over or under lease and there's no available unit within the development. | • HCV Programs | <ul style="list-style-type: none"> • Admin Plan <ul style="list-style-type: none"> ○ Chapter 4 • ACOP <ul style="list-style-type: none"> ○ Chapter 4 | <ul style="list-style-type: none"> • GRHC Staff • Participants • Partners |
| | Voucher Searching period has been expanded to 120 Calendar Days | • HCV Programs | <ul style="list-style-type: none"> • Admin Plan <ul style="list-style-type: none"> ○ Chapter 5 | <ul style="list-style-type: none"> • GRHC Staff • Participants |
| | Rental increases will be limited to one time per year on the anniversary date of the resident. | • HCV Programs | <ul style="list-style-type: none"> • Admin Plan <ul style="list-style-type: none"> ○ Chapter 13 | <ul style="list-style-type: none"> • GRHC Staff • Landlords |
| | Expansion of Jurisdiction to include Ottawa County | • HCV Programs | <ul style="list-style-type: none"> • Admin Plan <ul style="list-style-type: none"> ○ Chapter 1 | <ul style="list-style-type: none"> • Participants • Owners/Landlords • Partners |
| | Chapter 19 added – Special Purpose Vouchers (FYI, VASH, NEDS and Mainstream | • HCV Programs | <ul style="list-style-type: none"> • Admin Plan <ul style="list-style-type: none"> ○ Chapter 19 | • GRHC Staff |
| | Introduction and Overview: The Adams Park ACOP has created an overview to include but not limited to the follow; MTW, the GRHC Mission, Public Housing Programs, GRHC Organization Structure, Community Partnerships, Structure, Ethic & Services to highlight the key goals and objectives of the program. | • LIPH | • ACOP | <ul style="list-style-type: none"> • Residents • Participants • GRHC Staff |
| | Landlord Suitability: The Admission and Continued Occupancy Policy provides more opportunity to approve applicants with a prior history of evictions, judgements and unfavorable or no established landlord history. | • LIPH | • ACOP | <ul style="list-style-type: none"> • Residents • GRHC Staff |
| | Transfers: The Grand Rapids Housing Commission allows residents living in a public housing unit an option to transfer within all the GRHC owed developments. | • LIPH | • ACOP | • Residents |
| | The Violence against Women Reauthorization Act of 2013 (VAWA): The Admission and Continued Occupancy Policy provides a detail overview, definition, notification, regulations, and appropriate documentation to provide special protections for victims of domestic violence, dating violence, sexual assault, and stalking who are applying for or receiving assistance under the public housing program. | • LIPH | • ACOP | <ul style="list-style-type: none"> • GRHC Staff • Residents • GRHC Staff |
| | Record Keeping and Retention: All aspects of the program involve certain types of record- keeping. This part outlines the privacy rights of applicants and participants and record retention policies the GRHC will follow. The GRHC must maintain complete and accurate accounts and other records for the program in accordance with HUD requirements. | • LIPH | • ACOP | <ul style="list-style-type: none"> • Residents • GRHC Staff |
| | Public Housing Assessment System (PHAS) Overview/Score: The Public Housing Assessment System, or PHAS, is the system that HUD uses to assess a PHA's performance in managing its low-rent public housing programs. HUD uses a centralized system to collect individual subsystem scores using various sub indicators and produces a composite PHAS score representing PHA's performance management (Physical, Financial, Management, Capital Fund Program). | • LIPH | • ACOP | <ul style="list-style-type: none"> • Residents • GRHC Staff |

Effective Upon Commission Approval.

MTW CERTIFICATIONS OF COMPLIANCE**U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF PUBLIC AND INDIAN HOUSING****Certifications of Compliance with Regulations:
Board Resolution to Accompany the MTW Supplement to the Annual PHA Plan**

Acting on behalf of the Board of Commissioners of the Moving to Work Public Housing Agency (MTW PHA) listed below, as its Chairperson or other authorized MTW PHA official if there is no Board of Commissioners, I approve the submission of the MTW Supplement to the Annual PHA Plan for the MTW PHA Fiscal Year beginning (07/01/2023), hereinafter referred to as "the MTW Supplement", of which this document is a part and make the following certifications and agreements with the Department of Housing and Urban Development (HUD) in connection with the submission of the MTW Supplement and implementation thereof:

- (1) The PHA made the proposed MTW Supplement and all information relevant to the public hearing available for public inspection at least 45 days before the hearing, published a notice that a hearing would be held and conducted a hearing to discuss the MTW Supplement and invited public comment.
- (2) The MTW PHA took into consideration public and resident comments (including those of its Resident Advisory Board(s) or tenant associations, as applicable) before approval of the MTW Supplement by the Board of Commissioners or Board of Directors in order to incorporate any public comments into the annual MTW Supplement.
- (3) The MTW PHA certifies that the Board of Directors has reviewed and approved the budget for the Capital Fund Program grants contained in the Capital Fund Program Annual Statement/Performance and Evaluation Report, form HUD-50075.1 (or successor form as required by HUD).
- (4) The MTW PHA will carry out the MTW Supplement in conformity with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d-2000d-4), the Fair Housing Act (42 U.S.C. 3601-19), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), and title II of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) all regulations implementing these authorities; and other applicable Federal, State, and local civil rights laws.
- (5) The MTW Supplement is consistent with the applicable comprehensive housing affordability strategy (or any plan incorporating such strategy) for the jurisdiction in which the PHA is located.
- (6) The MTW Supplement contains a certification by the appropriate state or local officials that the Plan is consistent with the applicable Consolidated Plan, which includes a certification that requires the preparation of an Analysis of Impediments to Fair Housing Choice, for the MTW PHA's jurisdiction and a description of the manner in which the MTW Supplement is consistent with the applicable Consolidated Plan.
- (7) The MTW PHA will affirmatively further fair housing, which means that it will: (i) take meaningful actions to further the goals identified by the Assessment of Fair Housing (AFH) conducted in accordance with the requirements of 24 CFR 5.150-5.180 and 903.15; (ii) take no action that is materially inconsistent with its obligation to affirmatively further fair housing; and (iii) address fair housing issues and contributing factors in its programs, in accordance with 24 CFR 903.7(o)(3) and 903.15(d). Note: Until the PHA is required to submit an AFH, and that AFH has been accepted by HUD, the PHA must follow the certification requirements of 24 CFR 903.7(o) in effect prior to August 17, 2015. Under these requirements, the PHA will be considered in compliance with the certification requirements of 24 CFR 903.7(o)(1)-(3) and 903.15(d) if it: (i) examines its programs or proposed programs; (ii) identifies any impediments to fair housing choice within those programs; (iii) addresses those impediments in a reasonable fashion in view of the resources available; (iv) works with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement; and (v) maintains records reflecting these analyses and actions.
- (8) The MTW PHA will comply with the prohibitions against discrimination on the basis of age pursuant to the Age Discrimination Act of 1975 and HUD's implementing regulations at 24 C.F.R. Part 146.
- (9) In accordance with 24 CFR 5.105(a)(2), HUD's Equal Access Rule, the MTW PHA will not make a determination of eligibility for housing based on sexual orientation, gender identity, or marital status and will make no inquiries concerning the gender identification or sexual orientation of an applicant for or occupant of HUD-assisted housing.
- (10) The MTW PHA will comply with the Architectural Barriers Act of 1968 and 24 CFR Part 41, Policies and Procedures for the Enforcement of Standards and Requirements for Accessibility by the Physically Handicapped.
- (11) The MTW PHA will comply with the requirements of section 3 of the Housing and Urban Development Act of 1968, Employment Opportunities for Low- or Very-Low Income Persons, and with its implementing regulation at 24 CFR Part 135.
- (12) The MTW PHA will comply with requirements with regard to a drug free workplace required by 24 CFR Part 24, Subpart F.
- (13) The MTW PHA will comply with requirements with regard to compliance with restrictions on lobbying required by 24 CFR Part 87, together with disclosure forms if required by this Part, and with restrictions on payments to influence Federal Transactions, in accordance with the Byrd Amendment.
- (14) The MTW PHA will comply with acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and implementing regulations at 49 CFR Part 24 as applicable.

- (15) The MTW PHA will take appropriate affirmative action to award contracts to minority and women's business enterprises under 24 CFR 5.105(a).
- (16) The MTW PHA will provide HUD or the responsible entity any documentation needed to carry out its review under the National Environmental Policy Act and other related authorities in accordance with 24 CFR Part 58. Regardless of who acts as the responsible entity, the MTW PHA will maintain documentation that verifies compliance with environmental requirements pursuant to 24 Part 58 and 24 CFR Part 50 and will make this documentation available to HUD upon its request.
- (17) With respect to public housing and applicable local, non-traditional development the MTW PHA will comply with Davis-Bacon or HUD determined wage rate requirements under section 12 of the United States Housing Act of 1937 and the Contract Work Hours and Safety Standards Act.
- (18) The MTW PHA will keep records in accordance with 2 CFR 200.333-200.337 and facilitate an effective audit to determine compliance with program requirements.
- (19) The MTW PHA will comply with the Lead-Based Paint Poisoning Prevention Act and 24 CFR Part 35.
- (20) The MTW PHA will comply with the policies, guidelines, and requirements of 2 CFR Part 200.
- (21) The MTW PHA must fulfill its responsibilities to comply with and ensure enforcement of housing quality standards as required in PIH Notice 2011-45, or successor notice, for any local, non-traditional program units. The MTW PHA must fulfill its responsibilities to comply with and ensure enforcement of Housing Quality Standards, as defined in 24 CFR Part 982, for any Housing Choice Voucher units under administration.
- (22) The MTW PHA will undertake only activities and programs covered by the Moving to Work Operations Notice in a manner consistent with its MTW Supplement and will utilize covered grant funds only for activities that are approvable under the Moving to Work Operations Notice and included in its MTW Supplement. MTW Waivers activities being implemented by the agency must fall within the safe harbors outlined in Appendix I of the Moving to Work Operations Notice and/or HUD approved Agency-Specific or Safe Harbor Waivers.
- (23) All attachments to the MTW Supplement have been and will continue to be available at all times and all locations that the MTW Supplement is available for public inspection. All required supporting documents have been made available for public inspection along with the MTW Supplement and additional requirements at the primary business office of the PHA and at all other times and locations identified by the MTW PHA in its MTW Supplement and will continue to be made available at least at the primary business office of the MTW PHA.

Grand Rapids Housing Commission

MI073

MTW PHA NAME**MTW PHA NUMBER/HA CODE**

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802).

Monica Steimle-App

President

NAME OF AUTHORIZED OFFICIAL**TITLE**

SIGNATURE

3/21/23

DATE

* *Must be signed by either the Chairperson or Secretary of the Board of the MTW PHA's legislative body. This certification cannot be signed by an employee unless authorized by the MTW PHA Board to do so. If this document is not signed by the Chairperson or Secretary, documentation such as the by-laws or authorizing board resolution must accompany this certification.*

GRAND RAPIDS HOUSING COMMISSION - Proposed Budget - Fiscal Year Ending 6/30/23

[illegible]

GRAND RAPIDS HOUSING COMMISSION - Proposed Budget - Fiscal Year Ending 6/30/23

| | | | | | | | | | | | | |
|-----------------------|--------------------------------|--------------|---------------|-------------|---------------------|----------------|-------------------|--------------------|---------------|----------------|-----------------------|----------------------|
| | | | | | | | | | | | | |
| | | Adams | Campau | Hope | Hope Support | Leonard | Mt Mercy I | Mt Mercy II | Ransom | Sheldon | Scattered LIPH | Scattered RAD |
| | Dues/Memberships/Subscriptions | 50 | - | - | | - | - | - | 200 | - | - | - |
| | Eviction/Collection Costs | 19,000 | 4,200 | 10,000 | - | 4,000 | 5,000 | 1,500 | 6,000 | 1,000 | 500 | 1,500 |
| | IT Related | 20,000 | 2,200 | 20,000 | | 10,000 | 10,000 | 6,000 | 22,000 | 1,000 | 500 | 500 |
| | Copy Machine | 500 | 500 | 556 | - | 350 | 400 | 200 | 800 | 1,000 | - | - |
| | Portable Admin Fee | - | - | - | - | - | - | - | - | - | - | - |
| | Rent Free Unit | - | - | - | - | - | - | - | 11,724 | - | - | - |
| | Postage | 1,500 | 1,250 | 300 | - | 3,000 | 2,261 | 850 | 2,000 | 1,000 | 150 | 200 |
| | Other Sundry | 1,500 | 1,000 | 500 | - | 1,300 | 1,200 | 2,500 | 1,500 | 800 | 2,500 | 1,500 |
| | Management Fee | 121,260 | 90,166 | - | - | 64,500 | 67,425 | 21,120 | 90,600 | 29,020 | 9,675 | 13,847 |
| | Asset Management Fee | - | - | - | - | - | - | - | - | - | - | - |
| | Bookkeeping Fee | 16,920 | - | - | - | - | - | - | - | - | 1,350 | - |
| Total Administrative | | 359,424 | 231,548 | 74,282 | - | 257,282 | 199,860 | 93,611 | 287,991 | 84,742 | 32,860 | 42,250 |
| | | | | | | | | | | | | |
| Tenant Services: | | | | | | | | | | | | |
| | Tenant Services - Salaries | 64,974 | 17,118 | 1,467 | 95,370 | 71,839 | 53,661 | 23,207 | 66,545 | 17,085 | 734 | 3,788 |
| | Tenant Services- Benefits | 30,698 | 7,886 | 563 | 50,126 | 30,204 | 22,171 | 9,582 | 30,253 | 8,495 | 281 | 1,826 |
| | Tenant Services-Other | 2,500 | 1,000 | 1,500 | 13,967 | 1,500 | 1,500 | 1,500 | 2,000 | 1,500 | 100 | 300 |
| Total Tenant Services | | 98,172 | 26,004 | 3,530 | 159,463 | 103,543 | 77,332 | 34,289 | 98,798 | 27,080 | 1,115 | 5,914 |
| | | | | | | | | | | | | |
| Utilities: | | | | | | | | | | | | |
| | Water | 56,000 | 42,000 | 12,000 | | 38,000 | 36,428 | 19,000 | 13,000 | 13,000 | 10,000 | 14,000 |
| | Electricity | 110,000 | 12,000 | 27,000 | | 75,000 | 96,030 | 42,000 | 125,000 | 45,000 | 4,500 | 200 |
| | Gas | 30,000 | 2,000 | 14,000 | | 49,000 | 60,000 | 34,000 | 91,000 | 20,000 | 3,500 | 200 |
| | Internet | 1,500 | 2,000 | 2,700 | | 7,000 | 2,748 | 1,200 | 3,500 | 3,000 | - | - |
| Total Utilities | | 197,500 | 58,000 | 55,700 | - | 169,000 | 195,206 | 96,200 | 232,500 | 81,000 | 18,000 | 14,400 |
| | | | | | | | | | | | | |
| Maintenance: | | | | | | | | | | | | |
| | Maintenance Labor | 115,057 | 81,941 | 18,421 | | 95,852 | 81,400 | 34,886 | 99,662 | 18,421 | 4,094 | 15,376 |
| | Maintenance Materials | 20,000 | 14,000 | 5,881 | | 22,000 | 8,884 | 5,000 | 36,000 | 5,000 | 4,300 | 4,000 |
| | Cleaning Supplies | 5,000 | 2,500 | 800 | | 4,000 | 1,852 | 1,200 | 4,500 | 800 | 200 | 400 |
| | Painting Supplies | 4,000 | 2,000 | 1,000 | | 3,000 | 1,480 | 800 | 4,500 | 1,000 | 500 | 500 |
| | Appliances | 12,000 | 3,500 | 1,000 | | 10,000 | 3,000 | 2,000 | 35,000 | 1,600 | 1,000 | 600 |
| | Other Supplies | 500 | 3,000 | 1,000 | | 1,500 | 1,200 | 500 | 5,000 | 500 | - | 100 |
| | Inspections | 500 | 750 | 500 | | 6,500 | - | - | 15,000 | 1,000 | - | 1,500 |
| | Exterminating | 40,000 | 3,000 | 1,500 | | 40,000 | 18,000 | 12,000 | 35,000 | 2,000 | 1,200 | 1,500 |
| | Heating & Cooling Repairs | 17,000 | 15,000 | 5,000 | | 40,000 | 12,000 | 5,000 | 50,000 | 10,000 | 4,000 | 1,500 |

GRAND RAPIDS HOUSING COMMISSION - Proposed Budget - Fiscal Year Ending 6/30/23

| | | | | | | | | | | | | |
|------------------------|------------------------------|-----------|-----------|----------|--------------|-----------|------------|-------------|-----------|----------|----------------|---------------|
| | | | | | | | | | | | | |
| | | Adams | Campau | Hope | Hope Support | Leonard | Mt Mercy I | Mt Mercy II | Ransom | Sheldon | Scattered LIPH | Scattered RAD |
| | Elevator Maintenance | 6,000 | 1,000 | - | | 8,000 | 7,500 | 15,000 | 10,000 | 4,200 | - | - |
| | Lawn Care | 8,500 | 10,000 | 6,000 | | 2,825 | 10,000 | 6,000 | 14,000 | 5,500 | - | - |
| | Snow Plowing | 8,138 | 11,000 | 3,500 | | 8,000 | 10,000 | 5,220 | 7,500 | 3,000 | - | - |
| | Electrical Repairs | 2,500 | 1,800 | 250 | | 2,000 | 2,000 | 1,200 | 7,000 | 1,500 | 250 | 1,000 |
| | Carpet/Tile Replacement | 25,000 | 5,000 | 5,000 | | 30,000 | 25,000 | 8,000 | 55,000 | 10,000 | 2,000 | 5,000 |
| | Plumbing Repairs | 6,000 | 13,000 | 2,000 | | 30,000 | 50,000 | 1,500 | 16,000 | 5,000 | 4,500 | 2,000 |
| | Other Contract Costs | 60,000 | 18,000 | 33,000 | - | 18,000 | 25,000 | 10,000 | 65,000 | 12,000 | 5,000 | 15,000 |
| | Janitorial contracts | 1,000 | - | - | | - | - | - | 2,000 | - | - | - |
| | Trash Removal | 20,000 | 20,000 | 16,000 | | 7,500 | 10,262 | 4,500 | 12,000 | 6,000 | - | 200 |
| | Maintenance Travel | 500 | 500 | 50 | | 1,200 | 400 | 500 | 800 | 250 | 100 | 500 |
| | Maintenance Benefits | 52,897 | 35,050 | 1,951 | | 50,863 | 37,119 | 15,908 | 51,267 | 1,951 | 434 | 7,735 |
| | Painting | 15,000 | 10,000 | 1,500 | | 30,000 | 12,000 | 5,800 | 26,000 | 5,000 | 1,000 | 8,000 |
| | Protective Services | 55,000 | | | | | | | | - | | |
| Total Maintenance | | 474,592 | 251,041 | 104,353 | - | 411,240 | 317,097 | 135,014 | 551,229 | 94,722 | 28,578 | 64,911 |
| General Expenses: | | | | | | | | | | | | |
| | Insurance | 35,779 | 51,789 | 11,189 | | 11,051 | 10,005 | 22,482 | 34,637 | 21,772 | 7,573 | 8,522 |
| | Mortgage Insurance | - | - | - | | - | - | - | 18,250 | - | - | - |
| | Workers Comp. Insurance | 500 | 480 | 150 | 200 | 396 | 278 | 360 | 434 | 199 | 50 | 62 |
| | PILOT | 40,596 | 23,417 | 200 | | 32,926 | 27,304 | 9,300 | - | 9,500 | 2,800 | 6,348 |
| | Casualty Loss | - | - | - | | - | - | - | - | - | - | - |
| | Bad Debt-Tenants | 9,760 | 8,000 | 5,000 | | 4,000 | - | 3,600 | 4,500 | 2,000 | 1,000 | 1,000 |
| | Interest-Mortgage | - | 143,686 | - | | 66,914 | 165,894 | 27,977 | 148,296 | 62,210 | - | - |
| | Other General Expense | - | - | - | | - | - | - | - | - | - | - |
| | Housing Assistance | - | - | - | | - | - | - | - | - | - | - |
| | Housing Assistance: HO | - | - | - | | - | - | - | - | - | - | - |
| | Housing Assistance: NED | - | - | - | | - | - | - | - | - | - | - |
| | Housing Assistance: Enhanced | - | - | - | | - | - | - | - | - | - | - |
| | FSS Escrow | 1,000 | - | - | | - | - | - | - | - | - | 4,000 |
| | Depreciation | 26,547 | 283,282 | 40,421 | | 100,782 | 228,300 | 143,283 | 77,669 | 99,041 | 43,200 | 22,914 |
| | Amortization | - | - | - | | - | - | - | 5,561 | - | - | - |
| Total General Expenses | | 114,182 | 510,654 | 56,960 | 200 | 216,069 | 431,781 | 207,002 | 289,347 | 194,722 | 54,623 | 42,846 |
| Total Expenses | | 1,243,870 | 1,077,245 | 294,825 | 159,663 | 1,157,134 | 1,221,276 | 566,116 | 1,459,865 | 482,266 | 135,176 | 170,321 |
| Net Income (Loss) | | (190,582) | (379,881) | (45,825) | - | 136,766 | (104,876) | (27,976) | 254,485 | (13,561) | (29,176) | 9,179 |

GRAND RAPIDS HOUSING COMMISSION - Proposed Budget - Fiscal Year Ending 6/30/23

| | | | | | | | | | | | | |
|--|---------------|--------------|---------------|-------------|-------------------------|----------------|-------------------|--------------------|---------------|----------------|---------------------------|--------------------------|
| | | | | | | | | | | | | |
| | | Adams | Campau | Hope | Hope Support | Leonard | Mt Mercy I | Mt Mercy II | Ransom | Sheldon | Scattered LIPH | Scattered RAD |
| Cash flow reconciliation: | | | | | | | | | | | | |
| Add: Depreciation expense | 26,547 | 283,282 | 40,421 | - | 100,782 | 228,300 | 143,283 | 83,230 | 99,041 | 43,200 | 22,914 | |
| Add: Paid from escrow or reserve | | 12,000 | | | | | | | | - | - | |
| Less: Accrued Interest payable to GRHC | | 143,686 | | | | | | | | | | |
| Add: Capital Fund operations | 200,000 | | | | | | | | | | | |
| Add: Principal pmts mortgage rec | | | | | | | | | | | | |
| Add: Anticipated Adjustments | | 32,000 | 15,000 | | | | | | | | | |
| Less: Mortgage principal payments | | | | | (51,390) | (15,108) | (25,236) | (118,254) | (31,260) | | | |
| Less: Replacement reserve deposits | | | | | | | - | (58,110) | - | | (19,992) | |
| Less: Voluntary reserve deposits | | (90,000) | - | | (9,996) | (9,996) | (3,000) | | (12,000) | | | |
| Less: Capital items from operations | - | - | - | | - | - | - | - | (12,480) | | | |
| Less: IT Capital items from operations | - | | - | | - | - | - | - | - | | | |
| Net estimated cash flow | 35,965 | 1,087 | 9,596 | - | 176,162 | 98,320 | 87,071 | 161,351 | 29,740 | 14,024 | 12,101 | |

GRAND RAPIDS HOUS

| | | Scattered H.O. | Vouchers Admin | Vouchers HAP | Mainstream | EHV | Mod Rehab I | Mod Rehab 4 | ROSS FSS | Central Office | Elim. | Totals |
|---------------------------------|--|-------------------|-------------------|-----------------|------------|---------|----------------|----------------|-------------|-------------------|-------------|------------|
| Revenues: | | | | | | | | | | | | |
| Management and Bookkeeping Fees | | | - | - | | | - | - | - | 1,502,263 | (1,400,047) | 102,216 |
| HUD Grants | | - | - | 24,853,382 | 1,903,245 | 150,000 | 115,368 | 463,368 | 478,324 | - | | 29,722,677 |
| Vacancies | | - | - | - | | | - | - | - | - | | (54,500) |
| Tenant Assistance Payment | | - | - | - | | | - | - | - | - | (2,733,170) | - |
| Administrative Fee | | - | 2,430,643 | - | 199,646 | 60,000 | 13,332 | 66,884 | - | - | | 2,770,505 |
| Dwelling Rental | | - | - | - | | | - | - | - | - | | 2,980,616 |
| Excess Utilities | | - | - | - | | | - | - | - | - | | 6,300 |
| Investment Income-unrestricted | | - | - | | | | - | - | - | 396,538 | | 396,538 |
| Investment income-Residual Rec | | - | - | | | | - | - | - | - | | 850 |
| Investment Income-Repl Reserve | | - | - | | | | - | - | - | - | | 850 |
| Fraud Recovery Funds | | - | 30,000 | 30,000 | | | - | - | - | - | | 60,000 |
| FSS Escrow Forfeitures | | - | - | 75,000 | | | - | - | - | - | | 75,000 |
| Other Income | | 70,000 | - | - | | | - | - | - | 500,000 | | 687,580 |
| Laundry Receipts | | - | - | - | | | - | - | - | - | | 31,825 |
| Vending Income | | - | - | - | | | - | - | - | - | | 500 |
| Interest on General Funds | | 1,200 | 800 | - | | | - | - | - | - | | 2,130 |
| Total Revenues | | 71,200 | 2,461,443 | 24,958,382 | 2,102,891 | 210,000 | 128,700 | 530,252 | 478,324 | 2,398,801 | (4,133,217) | 36,783,087 |
| | | | | | | | | | | | | |
| Expenses: | | | | | | | | | | | | |
| Administrative: | | | | | | | | | | | | |
| Salaries | | - | 1,020,499 | - | 54,723 | 22,804 | 3,684 | 13,102 | - | 1,163,540 | | 2,808,757 |
| Compensated Absences | | - | - | - | - | - | - | - | - | - | | - |
| Legal Fees | | - | 25,000 | - | 500 | - | - | - | - | 15,000 | | 49,350 |
| Consulting (non-legal) | | - | 200,000 | - | 10,000 | - | - | - | - | 20,000 | | 230,000 |
| Training | | - | 15,000 | - | 700 | - | 200 | 1,000 | - | 12,000 | | 36,900 |
| Travel | | - | 11,000 | - | 1,000 | - | 80 | 300 | - | 25,000 | | 45,780 |
| HR Onboarding | | - | - | - | - | - | - | - | - | 3,000 | | 3,000 |
| Auditing Fees | | 1,000 | 50,000 | - | 1,500 | 50 | 300 | 1,000 | - | 10,000 | | 110,850 |
| Employee Benefits | | - | 404,672 | - | 17,344 | 9,209 | 1,248 | 4,803 | - | 391,050 | | 1,076,139 |
| Bank Fees | | - | - | - | - | - | - | - | - | 40,000 | | 61,022 |
| Office Supplies | | - | 14,000 | - | 1,000 | - | 75 | 300 | - | 18,000 | | 60,175 |
| Telephone Charges | | - | 75,000 | - | 200 | - | 30 | 100 | - | 12,000 | | 138,665 |
| Advertising | | - | - | - | - | - | - | - | - | 3,000 | | 3,350 |
| Communications | | - | 1,000 | - | 50 | - | - | - | - | 10,000 | | 11,050 |

GRAND RAPIDS HOUS

| | | | | | | | | | | | | |
|--|--------------------------------|---------------------------|---------------------------|-------------------------|-------------------|---------------|------------------------|------------------------|---------------------|---------------------------|--------------------|------------------|
| | | | | | | | | | | | | |
| | | Scattered H.O. | Vouchers Admin | Vouchers HAP | Mainstream | EHV | Mod Rehab I | Mod Rehab 4 | ROSS FSS | Central Office | Elim. | Totals |
| | Dues/Memberships/Subscriptions | - | 4,000 | - | 300 | - | 40 | 200 | | 17,000 | | 21,790 |
| | Eviction/Collection Costs | - | - | - | - | - | - | - | - | - | | 52,700 |
| | IT Related | - | 75,000 | - | 5,000 | - | 150 | 700 | | 50,000 | | 223,050 |
| | Copy Machine | - | 2,500 | - | 100 | - | 15 | 50 | - | 2,000 | | 8,971 |
| | Portable Admin Fee | - | 5,000 | - | | - | - | - | - | - | | 5,000 |
| | Rent Free Unit | - | - | - | | - | - | - | - | - | | 11,724 |
| | Postage | - | 15,000 | - | 1,000 | - | 120 | 400 | - | 10,000 | | 39,031 |
| | Other Sundry | 500 | 16,000 | - | 1,200 | 750 | 200 | 500 | - | 20,000 | | 53,450 |
| | Management Fee | - | 483,012 | - | 34,501 | 5,746 | 2,304 | 12,384 | - | - | (1,045,560.19) | - |
| | Asset Management Fee | - | - | - | | - | - | - | - | - | - | - |
| | Bookkeeping Fee | - | 301,883 | - | 21,563 | 3,591 | 1,440 | 7,740 | - | - | (354,486.60) | - |
| | Total Administrative | 1,500 | 2,718,566 | - | 150,681 | 42,150 | 9,887 | 42,579 | - | 1,821,590 | (1,400,047) | 5,050,754 |
| | | | | | | | | | | | | |
| | Tenant Services: | | | | | | | | | | | |
| | Tenant Services - Salaries | - | - | - | - | - | - | - | 334,827 | - | | 750,615 |
| | Tenant Services- Benefits | - | - | - | - | - | - | - | 143,497 | - | | 335,582 |
| | Tenant Services-Other | - | - | - | - | 20,000 | - | - | - | - | | 47,367 |
| | Total Tenant Services | - | - | - | - | 20,000 | - | - | 478,324 | - | - | 1,133,564 |
| | | | | | | | | | | | | |
| | Utilities: | | | | | | | | | | | |
| | Water | 1,000 | 4,000 | - | - | - | - | - | - | - | | 258,428 |
| | Electricity | 500 | 5,000 | - | - | - | - | - | - | - | | 542,230 |
| | Gas | 1,500 | 4,000 | - | - | - | - | - | | - | | 309,200 |
| | Internet | - | 1,000 | - | 100 | - | 6 | 25 | | 1,500 | | 26,279 |
| | Total Utilities | 3,000 | 14,000 | - | 100 | - | 6 | 25 | - | 1,500 | - | 1,136,137 |
| | | | | | | | | | | | | |
| | Maintenance: | | | | | | | | | | | |
| | Maintenance Labor | - | - | - | - | - | - | - | - | 1,500 | | 566,610 |
| | Maintenance Materials | 1,000 | 100 | - | - | - | - | - | - | - | | 126,165 |
| | Cleaning Supplies | - | 20 | - | - | - | - | - | - | - | | 21,272 |
| | Painting Supplies | - | 25 | - | - | - | - | - | | - | | 18,805 |
| | Appliances | - | - | - | - | - | - | - | - | - | | 69,700 |
| | Other Supplies | - | 4,000 | - | - | - | - | - | - | - | | 17,300 |
| | Inspections | 700 | 2,000 | - | - | - | - | - | | - | | 28,450 |
| | Exterminating | - | 500 | - | - | - | - | - | - | - | | 154,700 |
| | Heating & Cooling Repairs | 1,100 | 1,000 | - | 50 | - | - | - | - | - | | 161,650 |

GRAND RAPIDS HOUS

| | | | | | | | | | | | | |
|------------------------|------------------------------|-------------------|-------------------|-----------------|------------|---------|----------------|----------------|-------------|-------------------|-------------|------------|
| | | | | | | | | | | | | |
| | | Scattered H.O. | Vouchers Admin | Vouchers HAP | Mainstream | EHV | Mod Rehab I | Mod Rehab 4 | ROSS FSS | Central Office | Elim. | Totals |
| | Elevator Maintenance | - | - | - | - | - | - | - | - | - | | 51,700 |
| | Lawn Care | 350 | 700 | - | - | - | - | - | - | - | | 63,875 |
| | Snow Plowing | - | 1,085 | - | - | - | - | - | - | - | | 57,443 |
| | Electrical Repairs | - | - | - | - | - | - | - | - | - | | 19,500 |
| | Carpet/Tile Replacement | - | - | - | - | - | - | - | - | - | | 170,000 |
| | Plumbing Repairs | 500 | - | - | - | - | - | - | - | - | | 130,500 |
| | Other Contract Costs | 1,000 | 1,000 | - | - | - | - | - | - | 250 | | 263,250 |
| | Janitorial contracts | - | 5,000 | - | 200 | - | - | - | - | - | | 8,200 |
| | Trash Removal | - | - | - | - | - | - | - | - | - | | 96,462 |
| | Maintenance Travel | 150 | - | - | - | - | - | - | - | - | | 4,950 |
| | Maintenance Benefits | - | - | - | - | - | - | - | - | 250 | | 255,425 |
| | Painting | - | - | - | 20 | - | - | - | - | 200 | | 114,520 |
| | Protective Services | | | | | | | | | | | |
| Total Maintenance | | 4,800 | 15,430 | - | 270 | - | - | - | - | 2,200 | - | 2,400,476 |
| General Expenses: | | | | | | | | | | | | |
| | Insurance | 1,193 | - | - | - | - | - | - | - | 4,021 | | 220,012 |
| | Mortgage Insurance | - | - | - | - | - | - | - | - | - | | 18,250 |
| | Workers Comp. Insurance | - | 1,531 | - | 170 | - | 12 | - | - | 2,688 | | 7,512 |
| | PILOT | - | - | - | - | - | - | - | - | - | | 152,391 |
| | Casualty Loss | - | - | | - | - | - | - | - | - | | - |
| | Bad Debt-Tenants | - | - | - | - | - | - | - | - | - | | 38,860 |
| | Interest-Mortgage | - | - | - | - | - | - | - | - | - | | 614,977 |
| | Other General Expense | - | 10,000 | | - | - | - | - | - | - | | 10,000 |
| | Housing Assistance | - | - | 23,823,459 | 1,903,245 | 150,000 | 115,368 | 463,368 | - | - | (2,733,170) | 23,722,271 |
| | Housing Assistance: HO | - | - | 177,828 | - | - | - | - | - | - | | 177,828 |
| | Housing Assistance: NED | - | - | 740,952 | - | - | - | - | - | - | | 740,952 |
| | Housing Assistance: Enhanced | - | - | 111,143 | - | - | - | - | - | - | | 111,143 |
| | FSS Escrow | - | - | 105,000 | - | - | - | - | - | - | | 110,000 |
| | Depreciation | 3,516 | 41,232 | - | 780 | - | 84 | 456 | - | 62,463 | | 1,173,969 |
| | Amortization | - | - | - | | - | - | - | - | - | | 5,561 |
| Total General Expenses | | 4,709 | 52,763 | 24,958,382 | 1,904,196 | 150,000 | 115,464 | 463,824 | - | 69,172 | (2,733,170) | 27,103,727 |
| Total Expenses | | | | | | | | | | | | |
| Total Expenses | | 14,009 | 2,800,759 | 24,958,382 | 2,055,247 | 212,150 | 125,357 | 506,428 | 478,324 | 1,894,462 | (4,133,217) | 36,824,658 |
| Net Income (Loss) | | | | | | | | | | | | |
| Net Income (Loss) | | 57,191 | (339,316) | - | 47,644 | (2,150) | 3,343 | 23,824 | - | 504,339 | - | (41,571) |

GRAND RAPIDS HOUS

| | | | | | | | | | | | | |
|--|--------|-------------------|-------------------|-----------------|------------|-------|----------------|----------------|-------------|-------------------|-------|-----------|
| | | | | | | | | | | | | |
| | | Scattered H.O. | Vouchers Admin | Vouchers HAP | Mainstream | EHV | Mod Rehab I | Mod Rehab 4 | ROSS FSS | Central Office | Elim. | Totals |
| Cash flow reconciliation: | | | | | | | | | | | | |
| Add: Depreciation expense | 3,516 | 41,232 | - | 780 | - | 84 | 456 | - | 62,463 | | | 1,173,969 |
| Add: Paid from escrow or reserve | | | | | | | | | | | | 12,000 |
| Less: Accrued Interest payable to GRHC | | | | | | | | | (396,538) | | | |
| Add: Capital Fund operations | | | | | | | | | | | | |
| Add: Principal pmts mortgage rec | 2,760 | | | | | | | | | | | 2,760 |
| Add: Anticipated Adjustments | | 300,000 | | | 2,500 | | | | | | | |
| Less: Mortgage principal payments | | | | | | | | | | | | (241,248) |
| Less: Replacement reserve deposits | | | | | | | | | | | | (78,102) |
| Less: Voluntary reserve deposits | | | | | | | | | | | | (124,992) |
| Less: Capital items from operations | | | | | | | | | | - | | (12,480) |
| Less: IT Capital items from operations | | | | | | | | | | - | | - |
| Net estimated cash flow | 63,467 | 1,916 | - | 48,424 | 350 | 3,427 | 24,280 | - | 170,264 | - | | 690,337 |

ATTACHMENT F

Grand Rapids Housing Commission
Fair Market Rent and Voucher Payment Standard
Kent County
Schedule Effective January 01, 2023

| <u>All unit types</u> | <u>0BR</u> | <u>1BR</u> | <u>2BR</u> | <u>3BR</u> | <u>4BR</u> | <u>5BR</u> | <u>6BR 2023</u> |
|--|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|------------------------|
| FMRs | 954 | 1,005 | 1,211 | 1,576 | 1,761 | 2,024 | 2,289 |
| <u>Voucher Payment Standard (VPS)</u> | <u>0BR</u> | <u>1BR</u> | <u>2BR</u> | <u>3BR</u> | <u>4BR</u> | <u>5BR</u> | <u>6BR</u> |
| NEW VPS | 1,049 | 1,106 | 1,332 | 1,734 | 1,937 | 2,228 | 2,518 |

FMRs: 01/01/2023
VPS (110% of FMRs): 01/01/2023
Utility Allowance: 01/01/2022

Utility Allowance Schedule

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval
No. 25577-0169
exp.7/31/2022

See Public Reporting and Instructions on back.

The following allowances are used to determine the total cost of tenant-furnished utilities and appliances.

| Date (mm/dd/yyyy): | | | | | | | | | | | | | | | |
|---|--|------|------|------|------|------|------|------|---------------------------|--|--|--|--|--|--|
| Locality: Grand Rapids Housing Commission, MI | Unit Type: Multi-Family (Apartment/Low-Rise/High-Rise/Row House/Townhouse/Semi-Detached/Duplex) | | | | | | | | | | | | | | |
| Utility or Service: | <table border="1"> <tr> <th>0 BR</th> <th>1 BR</th> <th>2 BR</th> <th>3 BR</th> <th>4 BR</th> <th>5 BR</th> <th>6 BR</th> </tr> <tr> <td colspan="7">Monthly Dollar Allowances</td> </tr> </table> | 0 BR | 1 BR | 2 BR | 3 BR | 4 BR | 5 BR | 6 BR | Monthly Dollar Allowances | | | | | | |
| 0 BR | 1 BR | 2 BR | 3 BR | 4 BR | 5 BR | 6 BR | | | | | | | | | |
| Monthly Dollar Allowances | | | | | | | | | | | | | | | |
| Heating | | | | | | | | | | | | | | | |
| a. Natural Gas | \$27.00 \$32.00 \$37.00 \$42.00 \$47.00 \$52.00 \$57.00 | | | | | | | | | | | | | | |
| b. Bottle Gas/Propane | | | | | | | | | | | | | | | |
| c. Electric | \$31.00 \$37.00 \$50.00 \$63.00 \$76.00 \$90.00 \$97.00 | | | | | | | | | | | | | | |
| d. Electric Heat Pump | \$28.00 \$33.00 \$39.00 \$43.00 \$48.00 \$53.00 \$57.00 | | | | | | | | | | | | | | |
| e. Oil | | | | | | | | | | | | | | | |
| Cooking | | | | | | | | | | | | | | | |
| a. Natural Gas | \$3.00 \$3.00 \$5.00 \$6.00 \$8.00 \$9.00 \$10.00 | | | | | | | | | | | | | | |
| b. Bottle Gas/Propane | | | | | | | | | | | | | | | |
| c. Electric | \$7.00 \$9.00 \$13.00 \$16.00 \$20.00 \$24.00 \$26.00 | | | | | | | | | | | | | | |
| Other Electric & Cooling | | | | | | | | | | | | | | | |
| Other Electric (Lights & Appliances) | \$28.00 \$33.00 \$46.00 \$59.00 \$72.00 \$84.00 \$91.00 | | | | | | | | | | | | | | |
| Air Conditioning | \$6.00 \$7.00 \$9.00 \$12.00 \$14.00 \$17.00 \$18.00 | | | | | | | | | | | | | | |
| Water Heating | | | | | | | | | | | | | | | |
| a. Natural Gas | \$7.00 \$8.00 \$12.00 \$15.00 \$20.00 \$24.00 \$26.00 | | | | | | | | | | | | | | |
| b. Bottle Gas/Propane | | | | | | | | | | | | | | | |
| c. Electric | \$20.00 \$23.00 \$29.00 \$36.00 \$42.00 \$48.00 \$52.00 | | | | | | | | | | | | | | |
| d. Oil | | | | | | | | | | | | | | | |
| Water, Sewer, Trash Collection | | | | | | | | | | | | | | | |
| Water | \$22.00 \$23.00 \$27.00 \$31.00 \$36.00 \$40.00 \$43.00 | | | | | | | | | | | | | | |
| Sewer | \$37.00 \$38.00 \$47.00 \$56.00 \$65.00 \$73.00 \$79.00 | | | | | | | | | | | | | | |
| Trash Collection | \$22.00 \$22.00 \$22.00 \$22.00 \$22.00 \$22.00 \$22.00 | | | | | | | | | | | | | | |
| Tenant-supplied Appliances | | | | | | | | | | | | | | | |
| Range / Microwave Tenant-supplied | \$11.00 \$11.00 \$11.00 \$11.00 \$11.00 \$11.00 \$11.00 | | | | | | | | | | | | | | |
| Refrigerator Tenant-supplied | \$12.00 \$12.00 \$12.00 \$12.00 \$12.00 \$12.00 \$12.00 | | | | | | | | | | | | | | |
| Other--specify: Monthly Charges | | | | | | | | | | | | | | | |
| Electric Charge \$9.26 | \$9.00 \$9.00 \$9.00 \$9.00 \$9.00 \$9.00 \$9.00 | | | | | | | | | | | | | | |
| Natural Gas Charge \$14.70 | \$15.00 \$15.00 \$15.00 \$15.00 \$15.00 \$15.00 \$15.00 | | | | | | | | | | | | | | |
| Actual Family Allowances | Utility or Service per month cost | | | | | | | | | | | | | | |
| To be used by the family to compute allowance. Complete below for the actual unit rented. | Heating \$ | | | | | | | | | | | | | | |
| | Cooking \$ | | | | | | | | | | | | | | |
| | Other Electric \$ | | | | | | | | | | | | | | |
| | Air Conditioning \$ | | | | | | | | | | | | | | |
| | Water Heating \$ | | | | | | | | | | | | | | |
| Name of Family | Water \$ | | | | | | | | | | | | | | |
| | Sewer \$ | | | | | | | | | | | | | | |
| | Trash Collection \$ | | | | | | | | | | | | | | |
| | Range / Microwave \$ | | | | | | | | | | | | | | |
| | Refrigerator \$ | | | | | | | | | | | | | | |
| Address of Unit | Other \$ | | | | | | | | | | | | | | |
| | Other \$ | | | | | | | | | | | | | | |
| | Other \$ | | | | | | | | | | | | | | |
| | Other \$ | | | | | | | | | | | | | | |
| | Other \$ | | | | | | | | | | | | | | |
| Number of Bedrooms | Total \$ | | | | | | | | | | | | | | |



Utility Allowance Schedule

See Public Reporting and Instructions on back.

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval
No. 25577-0169
exp.7/31/2022

The following allowances are used to determine the total cost of tenant-furnished utilities and appliances.

Date (mm/dd/yyyy):

Locality:

Grand Rapids Housing Commission, MI

Unit Type: **Single-Family (Detached House)**

Utility or Service:

0 BR

1 BR

2 BR

3 BR

4 BR

5 BR

6 BR

Monthly Dollar Allowances

Heating

| | | | | | | | |
|-----------------------|---------|---------|----------|----------|----------|----------|----------|
| a. Natural Gas | \$38.00 | \$45.00 | \$52.00 | \$60.00 | \$68.00 | \$75.00 | \$81.00 |
| b. Bottle Gas/Propane | | | | | | | |
| c. Electric | \$74.00 | \$87.00 | \$102.00 | \$117.00 | \$132.00 | \$147.00 | \$158.00 |
| d. Electric Heat Pump | \$40.00 | \$47.00 | \$55.00 | \$62.00 | \$69.00 | \$76.00 | \$82.00 |
| e. Oil | | | | | | | |

Cooking

| | | | | | | | |
|-----------------------|--------|--------|---------|---------|---------|---------|---------|
| a. Natural Gas | \$3.00 | \$3.00 | \$5.00 | \$6.00 | \$8.00 | \$9.00 | \$10.00 |
| b. Bottle Gas/Propane | | | | | | | |
| c. Electric | \$7.00 | \$9.00 | \$13.00 | \$16.00 | \$20.00 | \$24.00 | \$26.00 |

Other Electric & Cooling

| | | | | | | | |
|--------------------------------------|---------|---------|---------|---------|----------|----------|----------|
| Other Electric (Lights & Appliances) | \$41.00 | \$48.00 | \$67.00 | \$86.00 | \$105.00 | \$124.00 | \$134.00 |
| Air Conditioning | \$4.00 | \$5.00 | \$11.00 | \$18.00 | \$24.00 | \$30.00 | \$33.00 |

Water Heating

| | | | | | | | |
|-----------------------|---------|---------|---------|---------|---------|---------|---------|
| a. Natural Gas | \$9.00 | \$10.00 | \$15.00 | \$20.00 | \$25.00 | \$29.00 | \$31.00 |
| b. Bottle Gas/Propane | | | | | | | |
| c. Electric | \$24.00 | \$29.00 | \$37.00 | \$45.00 | \$53.00 | \$61.00 | \$65.00 |
| d. Oil | | | | | | | |

Water, Sewer, Trash Collection

| | | | | | | | |
|------------------|---------|---------|---------|---------|---------|---------|---------|
| Water | \$22.00 | \$23.00 | \$27.00 | \$31.00 | \$36.00 | \$40.00 | \$43.00 |
| Sewer | \$37.00 | \$38.00 | \$47.00 | \$56.00 | \$65.00 | \$73.00 | \$79.00 |
| Trash Collection | \$22.00 | \$22.00 | \$22.00 | \$22.00 | \$22.00 | \$22.00 | \$22.00 |

Tenant-supplied Appliances

| | | | | | | | |
|-----------------------------------|---------|---------|---------|---------|---------|---------|---------|
| Range / Microwave Tenant-supplied | \$11.00 | \$11.00 | \$11.00 | \$11.00 | \$11.00 | \$11.00 | \$11.00 |
| Refrigerator Tenant-supplied | \$12.00 | \$12.00 | \$12.00 | \$12.00 | \$12.00 | \$12.00 | \$12.00 |

Other--specify: Monthly Charges

| | | | | | | | |
|----------------------------|---------|---------|---------|---------|---------|---------|---------|
| Electric Charge \$9.26 | \$9.00 | \$9.00 | \$9.00 | \$9.00 | \$9.00 | \$9.00 | \$9.00 |
| Natural Gas Charge \$14.70 | \$15.00 | \$15.00 | \$15.00 | \$15.00 | \$15.00 | \$15.00 | \$15.00 |

Actual Family Allowances

To be used by the family to compute allowance. Complete below for the actual unit rented.

Name of Family

Address of Unit

Number of Bedrooms

Utility or Service

per month cost

| | |
|-------------------|----|
| Heating | \$ |
| Cooking | \$ |
| Other Electric | \$ |
| Air Conditioning | \$ |
| Water Heating | \$ |
| Water | \$ |
| Sewer | \$ |
| Trash Collection | \$ |
| Range / Microwave | \$ |
| Refrigerator | \$ |
| Other | \$ |
| Other | \$ |
| Total | \$ |



Grand Rapids Housing Commission
Fair Market Rent and Voucher Payment Standard Schedule
Ottawa County
Effective January 01, 2023

| <u>All unit types</u> | <u>0BR</u> | <u>1BR</u> | <u>2BR</u> | <u>3BR</u> | <u>4BR</u> | <u>5BR</u> | <u>6BR</u> |
|------------------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|
| 2023 FMRs | 904 | 1,016 | 1,148 | 1,532 | 1,588 | 1,826 | 2,064 |

| <u>Voucher Payment Standard (VPS)</u> | <u>0BR</u> | <u>1BR</u> | <u>2BR</u> | <u>3BR</u> | <u>4BR</u> | <u>5BR</u> | <u>6BR</u> |
|--|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|
| NEW VPS | 994 | 1,118 | 1,263 | 1,685 | 1,747 | 2,009 | 2,270 |

FMRs: 01/01/2023
VPS (110% of FMRs): 04/01/2023
Utility Allowance: 04/01/2023

Allowances for Tenant-Furnished Utilities and Other Services

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing



| Locality | | | Green Discount | Unit Type | | Weather Code | Date |
|----------------------|---------------------|---------------------------|----------------|-----------------------|-------|--------------|------------|
| Ottawa County - 2023 | | | None | Row House & Apartment | | MI073 | 2023-02-21 |
| Utility/Service | | Monthly Dollar Allowances | | | | | |
| | | 0 BR | 1 BR | 2 BR | 3 BR | 4 BR | 5 BR |
| Space Heating | Natural Gas | \$34 | \$40 | \$46 | \$52 | \$58 | \$64 |
| | Bottle Gas | \$91 | \$107 | \$124 | \$141 | \$158 | \$175 |
| | Electric Resistance | \$37 | \$44 | \$57 | \$71 | \$84 | \$98 |
| | Electric Heat Pump | \$28 | \$33 | \$39 | \$43 | \$48 | \$53 |
| | Fuel Oil | \$120 | \$141 | \$163 | \$185 | \$208 | \$230 |
| Cooking | Natural Gas | \$3 | \$3 | \$5 | \$6 | \$8 | \$9 |
| | Bottle Gas | \$8 | \$9 | \$13 | \$17 | \$21 | \$25 |
| | Electric | \$6 | \$7 | \$10 | \$13 | \$16 | \$20 |
| | Other | | | | | | |
| Other Electric | | \$28 | \$33 | \$45 | \$58 | \$71 | \$84 |
| Air Conditioning | | \$4 | \$5 | \$8 | \$12 | \$16 | \$19 |
| Water Heating | Natural Gas | \$9 | \$10 | \$15 | \$20 | \$24 | \$29 |
| | Bottle Gas | \$24 | \$28 | \$41 | \$53 | \$65 | \$78 |
| | Electric | \$19 | \$23 | \$29 | \$36 | \$42 | \$49 |
| | Fuel Oil | \$31 | \$37 | \$53 | \$70 | \$86 | \$102 |
| Water | | \$18 | \$19 | \$25 | \$33 | \$41 | \$49 |
| Sewer | | \$22 | \$23 | \$31 | \$43 | \$55 | \$67 |
| Electric Fee | | \$17 | \$17 | \$17 | \$17 | \$17 | \$17 |
| Natural Gas Fee | | \$14 | \$14 | \$14 | \$14 | \$14 | \$14 |
| Fuel Oil Fee | | | | | | | |
| Bottled Gas Fee | | | | | | | |
| Trash Collection | | \$13 | \$13 | \$13 | \$13 | \$13 | \$13 |
| Range/Microwave | | \$21 | \$21 | \$21 | \$21 | \$21 | \$21 |
| Refrigerator | | \$25 | \$25 | \$25 | \$25 | \$25 | \$25 |
| Other – specify | | | | | | | |

Allowances for Tenant-Furnished Utilities and Other Services

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing



| Locality | | | Green Discount | Unit Type | | Weather Code | Date |
|----------------------|---------------------|---------------------------|----------------|---------------------|-------|--------------|------------|
| Ottawa County - 2023 | | | None | Single Family House | | MI073 | 2023-02-21 |
| Utility/Service | | Monthly Dollar Allowances | | | | | |
| | | 0 BR | 1 BR | 2 BR | 3 BR | 4 BR | 5 BR |
| Space Heating | Natural Gas | \$38 | \$45 | \$52 | \$60 | \$67 | \$75 |
| | Bottle Gas | \$103 | \$121 | \$141 | \$162 | \$182 | \$202 |
| | Electric Resistance | \$61 | \$72 | \$84 | \$96 | \$109 | \$121 |
| | Electric Heat Pump | \$33 | \$38 | \$46 | \$51 | \$57 | \$62 |
| | Fuel Oil | \$135 | \$159 | \$186 | \$212 | \$239 | \$266 |
| Cooking | Natural Gas | \$3 | \$3 | \$5 | \$6 | \$8 | \$9 |
| | Bottle Gas | \$8 | \$9 | \$13 | \$17 | \$21 | \$25 |
| | Electric | \$6 | \$7 | \$10 | \$13 | \$16 | \$20 |
| | Other | | | | | | |
| Other Electric | | \$32 | \$38 | \$53 | \$68 | \$83 | \$98 |
| Air Conditioning | | \$3 | \$4 | \$9 | \$14 | \$18 | \$23 |
| Water Heating | Natural Gas | \$9 | \$10 | \$15 | \$20 | \$24 | \$29 |
| | Bottle Gas | \$24 | \$28 | \$41 | \$53 | \$65 | \$78 |
| | Electric | \$19 | \$23 | \$29 | \$36 | \$42 | \$49 |
| | Fuel Oil | \$31 | \$37 | \$53 | \$70 | \$86 | \$102 |
| Water | | \$18 | \$19 | \$25 | \$33 | \$41 | \$49 |
| Sewer | | \$22 | \$23 | \$31 | \$43 | \$55 | \$67 |
| Electric Fee | | \$17 | \$17 | \$17 | \$17 | \$17 | \$17 |
| Natural Gas Fee | | \$14 | \$14 | \$14 | \$14 | \$14 | \$14 |
| Fuel Oil Fee | | | | | | | |
| Bottled Gas Fee | | | | | | | |
| Trash Collection | | \$13 | \$13 | \$13 | \$13 | \$13 | \$13 |
| Range/Microwave | | \$21 | \$21 | \$21 | \$21 | \$21 | \$21 |
| Refrigerator | | \$25 | \$25 | \$25 | \$25 | \$25 | \$25 |
| Other – specify | | | | | | | |

ATTACHMENT G



Grand Rapids Housing Commission
Housing Choice Voucher (HCV) Administrative Plan
Revision July 1st, 2023

TABLE OF CONTENTS
(PDF Pages)

| | |
|---|------------|
| INTRODUCTION | 3 |
| CHAPTER 1: OVERVIEW OF THE PROGRAM AND PLAN | 8 |
| CHAPTER 2: FAIR HOUSING AND EQUAL OPPORTUNITY | 21 |
| CHAPTER 3: ELIGIBILITY | 35 |
| CHAPTER 4: APPLICATIONS, WAITING LIST, AND TENANT SELECTION | 71 |
| CHAPTER 5: BRIEFINGS AND VOUCHER ISSUANCE | 84 |
| CHAPTER 6: INCOME AND SUBSIDY DETERMINATIONS | 97 |
| CHAPTER 7: VERIFICATIONS..... | 144 |
| CHAPTER 8: HOUSING QUALITY STANDARDS | 170 |
| CHAPTER 9: GENERAL LEASING POLICIES | 193 |
| CHAPTER 10: MOVING WITH CONTINUED ASSISTANCE AND PORTABILITY ... | 204 |
| CHAPTER 11: REEXAMINATIONS..... | 221 |
| CHAPTER 12: TERMINATION OF ASSISTANCE AND TENANCY | 233 |
| CHAPTER 13: OWNERS..... | 253 |
| CHAPTER 14: PROGRAM INTEGRITY | 268 |
| CHAPTER 15: SPECIAL HOUSING TYPES..... | 278 |
| CHAPTER 16: PROGRAM ADMINISTRATION | 302 |
| CHAPTER 17: PROJECT-BASED VOUCHERS | 362 |
| CHAPTER 18: PROJECT BASED VOUCHERS (PBV) UNDER THE RENTAL ASSISTANCE DEMONSTRATION (RAD) PROGRAM | 415 |
| CHAPTER 19: SPECIAL PURPOSE VOUCHERS..... | 457 |
| GLOASSARY | 503 |

Introduction

MOVING TO WORK (MTW DEMONSTRATION PROGRAM AS APPLICABLE TO THE ADMINISTRATIVE PLAN

The Moving to Work (MTW) Demonstration program was originally authorized by Section 204 of the Omnibus Consolidation Rescission and Appropriations Act of 1996 (Public Law 104-134, 110 Stat 1321), dated April 26, 1996. This demonstration program offers public housing authorities the opportunity to design and test innovative, locally designed housing and self-sufficiency strategies for low-income families by allowing exemptions from certain public housing rules. Section 239 of the Fiscal year 2016 Appropriations Act, P.L. 114-113 (2016 MTW Statute) authorized HUD to expand the MTW Demonstration Program by designating an additional 100 PHAs over seven years (here after, the “MTW Expansion”). The 2016 MTW Expansion Statute provides that PHAs selected as part of the MTW Expansion must be high performers, meet certain size and Rental Assistance Demonstration (RAD) requirements, and represent geographic diversity across the country. All PHAs selected for the MTW Expansion must follow the selection notice for their applicable cohort. The Grand Rapids Housing Commission (GRHC) was selected to participate in the Moving to Work (MTW) Demonstration program under the Asset Building Cohort in 2022 as one of 129 PHA in the nation out of approximately 3,400. Asset building is defined as activities that encourage the growth of savings accounts and/or aim to build credit for assisted household. GRHC executed its MTW agreement with HUD November 2022 with an effective date of December 1, 2022. A copy of GRHC’s MTW Supplement Plan (as part of the Agency’s Annual Plan) can be found on the GRHC website at www.grhousing.org or at the main office at 1420 Fuller Avenue, SE, Grand Rapids, MI 49507.

The MTW flexibilities authorized by HUD for the GRHC are incorporated within this Administrative Plan and can easily be identified in green boxes and identified as MTW policy.

It is important to note when reviewing the Administrative Plan, MTW policies and procedures may conflict with HUD regulatory requirements as permitted by the MTW Supplement and HUD approval. Where no MTW policy or procedure exists, then standard Section 8 Housing Choice Voucher rules and regulations apply.

ABOUT THE REFERENCES CITED IN THE GRAND RAPIDS ADMINISTRATIVE PLAN

AUTHORITIES FOR POLICIES IN THE HCV ADMINISTRATIVE PLAN

The authority for PHA policies is derived from many sources. Primary among these sources are federal statutes, federal regulations, and guidance issued by HUD. State law also directs PHA policy. State law must be followed where such law exists and does not conflict with federal regulations. Industry practice may also be used to develop policy as long as it does not conflict with federal requirements or prohibitions.

HUD

HUD provides the primary source of PHA policy through federal regulations, HUD notices, and handbooks. Compliance with federal regulations, current HUD notices, and current HUD handbooks is mandatory.

HUD also provides guidance to PHAs through other means such as HUD-published guidebooks, expired HUD notices, and expired handbooks. Basing PHA policy on HUD guidance is optional, as long as PHA policies comply with federal law, federal regulations and mandatory policy. Because HUD has already determined that the guidance it provides is consistent with mandatory policies, PHA reliance on HUD guidance provides the PHA with a “safe harbor.”

Material posted on the HUD website can provide further clarification of HUD policies. For example, FAQs on the HUD website can provide direction on the application of federal regulations in various aspects of the program.

State Law

Where there is no mandatory federal guidance, PHAs must comply with state law, if it exists. Where state law is more restrictive than federal law, but does not conflict with it, the PHA should follow the state law.

Industry Practice

Where no law or HUD authority exists on a particular subject, industry practice may support PHA policy. Industry practice refers to a way of doing things or a policy that has been adopted by a majority of PHAs.

RESOURCES CITED IN THE MODEL ADMINISTRATIVE PLAN

The model administrative plan cites several documents. Where a document or resource is cited frequently, it may be abbreviated. Where it is cited only once or twice, the model administrative plan may contain the entire name of the document or resource. Following is a key to abbreviations used for various sources that are frequently cited in the administrative plan and a list of references and document locations that are referenced in the model administrative plan or that may be helpful to you.

HUD HCV Guidebook

In November 2019 HUD began issuing a new version of the HCV Guidebook chapter-by-chapter. Unlike the previous version of the HCV Guidebook in which chapters were numbered, the new version of the guidebook includes chapter names, but no numbers. As the new version of the guidebook has not yet been fully released, and since the previous version of the guidebook contains guidance not found in the new version, the model policy cites both versions of the guidebook. Therefore, where the HCV Guidebook is cited in the model policy, the citation will make a distinction between the “old” and “new” versions of the guidebook. The “old” version of the guidebook will continue to be cited as *HCV GB* with a chapter/page reference (example: *HCV GB*, p. 5-4). If HUD has also released a new chapter on the same topic with information that either adds new information or updates existing information from the previous guidebook,

the new guidebook will be cited as *New HCV GB* with a chapter title and page reference (example: *New HCV GB, Payment Standards*, p. 11).

Moving to Work Operations Notice

This Moving to Work (MTW) Operations Notice (MTW Operations Notice) establishes requirements for the implementation and continued operation of the expansion of the MTW demonstration program pursuant to Section 239 of the Fiscal Year 2016 Appropriations Act, P.L. 114-113 (2016 MTW Expansion Statute). The MTW Operations Notice applies to all public housing agencies (PHAs) designated as MTW pursuant to the 2016 MTW Expansion Statute and to any previously-designated MTW agency that elects to operate under the terms of this notice, collectively referred to in this MTW Operations Notice as an “MTW agency.”

The MTW demonstration program allows PHAs to design and test innovative, locally- designed housing and self-sufficiency strategies for low-income families by permitting PHAs to use assistance received under Sections 8 and 9 of the Housing Act of 1937, as amended, 42 U.S.C. § 1437 et seq. (1937 Act) more flexibly and, as approved by HUD, with certain exemptions from existing public housing and HCV program requirements.

Through the MTW Amendment to the Annual Contributions Contract(s) (ACC)1 , an MTW agency agrees to comply with the program requirements and terms and conditions detailed in the MTW Operations Notice for the term of the MTW agency’s participation in the MTW demonstration. Unless otherwise explicitly provided in the MTW Operations Notice, an MTW agency’s MTW program applies to all of the MTW agency’s public housing units (including MTW agency-owned properties and units comprising a part of mixed-income, mixed finance communities), tenant-based HCV assistance, project-based HCV assistance under Section 8(o) of the 1937 Act, and homeownership units developed using Section 8(y) HCV assistance of the 1937 Act.

Abbreviations

Throughout the model administrative plan, abbreviations are used to designate certain documents in citations. The following is a table of abbreviations of documents cited in the model administrative plan.

| Abbreviation | Document |
|---------------------|---|
| CFR | Code of Federal Regulations |
| HCV GB | Housing Choice Voucher Program Guidebook (7420.10G), April 2001. |
| New HCV GB | Housing Choice Voucher Program Guidebook (7420.10G), Various dates of release |
| HUD-50058 IB | HUD-50058 Instruction Booklet |
| RHIIP FAQs | Rental Housing Integrity Improvement Program (RHIIP) Frequently Asked Questions. |
| VG | PIH Notice 2004-01 Verification Guidance, March 9, 2004. |

| | |
|-----------|---|
| HB 4350.3 | Occupancy Requirements of Subsidized Multifamily Housing Programs |
|-----------|---|

Resources and Where to Find Them

Following is a list of resources helpful to the PHA or referenced in the model administrative plan, and the online location of each.

| Document and Location |
|---|
| Code of Federal Regulations https://www.ecfr.gov/ |
| Earned Income Disregard FAQ https://www.hud.gov/program_offices/public_indian_housing/phr/about/ao_faq_eid |
| Eligibility of Students for Assisted Housing Under Section 8 of the U.S. Housing Act of 1937; Final Rule http://edocket.access.gpo.gov/2008/pdf/E8-19435.pdf |
| Enterprise Income Verification (EIV) System, Security Procedures for Upfront Income Verification data https://www.hud.gov/sites/documents/EIVSECGUIDEPHA.PDF |
| Executive Order 11063 https://www.archives.gov/federal-register/codification/executive-order/11063.html |
| Federal Register https://www.federalregister.gov/ |
| Housing Choice Voucher Program Guidebook (7420.10G), Updated Chapters https://www.hud.gov/program_offices/public_indian_housing/programs/hcv/guidebook |
| HUD-50058 Instruction Booklet https://www.hud.gov/sites/documents/FORM50058INSTRUCTBOOKLET.PDF |
| Joint Statement of the Department of Housing and Urban Development and the Department of Justice, issued May 17, 2004 https://www.justice.gov/sites/default/files/crt/legacy/2010/12/14/joint_statement_ra.pdf |
| Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, published January 22, 2007 https://www.lep.gov/guidance/HUD_guidance_Jan07.pdf |
| Notice PIH 2010-26 (HA), Nondiscrimination and Accessibility Notice https://www.hud.gov/sites/documents/DOC_8993.PDF |
| Notice PIH 2017-12, Administrative Guidance for Effective and Mandated Use of the Enterprise Income Verification (EIV) System https://www.hud.gov/sites/documents/PIH2017-12EIVNOTICE.PDF |
| Notice PIH 2018-24, Verification of Social Security Numbers (SSNs) and Social Security (SS) and Supplemental Security Income (SSI) Benefits; and Effective Use of the Enterprise Income Verification (EIV) System's Identity Verification Report |

| |
|---|
| https://www.hud.gov/sites/dfiles/PIH/documents/PIH-2018-24_EIV_SSN_Notice_FINAL.pdf |
| OMB Circular A-133 https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/circulars/A133/a133.pdf |
| Project-Based Voucher Program; Final Rule http://www.gpo.gov/fdsys/pkg/FR-2005-10-13/pdf/05-20035.pdf |
| VAWA Final Rule http://www.gpo.gov/fdsys/pkg/FR-2010-10-27/pdf/2010-26914.pdf |
| Move to Work Operations Manual Notice Final Ops Notice Part VI for web 8.15.20.docx (hud.gov) |

The HUD website is <https://www.hud.gov/>.

Guidebooks, handbooks and other HUD resources may be found at the HUDClips website:
https://www.hud.gov/program_offices/administration/hudclips.

The new HCV Guidebook may be found at:
https://www.hud.gov/program_offices/public_indian_housing/programs/hcv/guidebook

CHAPTER 1

OVERVIEW OF THE PROGRAM AND PLAN

| | |
|---|----|
| INTRODUCTION | 2 |
| PART I: THE PHA (THE GRAND RAPIDS HOUSING COMMISSION) | 3 |
| 1-I.A. OVERVIEW..... | 3 |
| 1-I.B. ORGANIZATION AND STRUCTURE OF THE GRHC | 3 |
| 1-I.C. GRHC MISSION..... | 3 |
| 1-I.D. THE GRHC’S PROGRAMS..... | 3 |
| 1-I.E. THE GRHC’S COMMITMENT TO ETHICS AND SERVICE | 3 |
| PART II: THE HOUSING CHOICE VOUCHER (HCV) PROGRAM..... | 5 |
| 1-II.A. OVERVIEW AND HISTORY OF THE PROGRAM..... | 5 |
| 1-II.B. HCV PROGRAM BASICS..... | 6 |
| 1-II.C. THE HCV PARTNERSHIPS..... | 6 |
| PART III: THE HCV ADMINISTRATIVE PLAN | 11 |
| 1-III.A. OVERVIEW AND PURPOSE OF THE PLAN | 11 |
| 1-III.B. CONTENTS OF THE PLAN [24 CFR 982.54] | 11 |
| 1-III.C. ORGANIZATION OF THE PLAN..... | 13 |
| 1-III.D. UPDATING AND REVISING THE PLAN | 13 |

INTRODUCTION

The GRHC receives its funding for the Housing Choice Voucher (HCV) program from the Department of Housing and Urban Development. The GRHC is not a federal department or agency. A public housing agency (PHA) is a governmental or public body, created and authorized by state law to develop and operate housing and housing programs for low-income families. The GRHC enters into an Annual Contributions Contract with HUD to administer the program requirements on behalf of HUD. The GRHC will ensure compliance with federal laws, regulations and notices and must establish policy and procedures to clarify federal requirements and to ensure consistency in program operation.

This chapter contains information about the GRHC and its programs with emphasis on the HCV program. It also contains information about the purpose, intent and use of the plan and guide.

There are three parts to this chapter:

Part I: The Public Housing Agency (PHA). This part includes a description of the PHA (GRHC), its jurisdiction, its programs, and its mission and intent.

Part II: The HCV Program. This part contains information about the Housing Choice Voucher program operation, roles and responsibilities, and partnerships.

Part III: The HCV Administrative Plan. This part discusses the purpose and organization of the plan and its revision requirements.

PART I: THE PHA (THE GRAND RAPIDS HOUSING COMMISSION)

1-I.A. OVERVIEW

This part explains the origin of the GRHC's creation and authorization, the general structure of the organization, and the relationship between the GRHC Board and staff.

1-I.B. ORGANIZATION AND STRUCTURE OF THE GRHC

The Section 8 tenant-based Housing Choice Voucher (HCV) assistance program is funded by the federal government and administered by the **Grand Rapids Housing Commission (GRHC)** for the jurisdiction of **City of Grand Rapids / County of Kent / County of Ottawa (Effective 4/1/2023)**.

The officials of the GRHC are known as commissioners or, collectively, as the board of commissioners. Commissioners are appointed in accordance with state housing law and generally serve in the same capacity as the directors of a corporation, establishing policies under which the GRHC conducts business, ensuring that policies are followed by GRHC staff and ensuring that the GRHC is successful in its mission. The board is responsible for preserving and expanding the agency's resources and assuring the agency's continued viability.

Formal actions of the GRHC are taken through written resolutions, adopted by the board of commissioners and entered into the official records of the GRHC.

The principal staff member of the GRHC is the executive director (ED), who is hired and appointed by the board of commissioners. The executive director is directly responsible for carrying out the policies established by the board and is delegated the responsibility for hiring, training and supervising the GRHC staff in order to manage the day-to-day operations of the GRHC. The executive director is responsible for ensuring compliance with federal and state laws and directives for the programs managed. In addition, the executive director's duties include budgeting and financial planning for the agency.

1-I.C. GRHC MISSION

The Grand Rapids Housing Commission provides housing assistance and affordable housing opportunities to lower-income families, people with disabilities and senior citizens in a manner that is fiscally sound and in ways that support families, neighborhoods and economic self-sufficiency.

1-I.D. THE GRHC'S PROGRAMS

The GRHC's administrative plan is applicable to the operation of the Housing Choice Voucher program, including Project Based Vouchers, (PBV), Moderate Rehabilitation program, the Veteran's Administrative Supportive Housing (VASH), Near Elderly and Disabled, Mainstream Vouchers, Emergency Housing Vouchers (EHV), Tenant Protection Vouchers (TPV) and Foster Youth Independence (FYI).

1-I.E. THE GRHC'S COMMITMENT TO ETHICS AND SERVICE

As a public service agency, the GRHC is committed to providing excellent service to HCV program participants, owners, and to the community. The GRHC's standards include:

- Administer applicable federal and state laws and regulations to achieve high ratings in performance measurement indicators while maintaining efficiency in program operation to ensure fair and consistent treatment of clients served.
- Provide decent, safe, and sanitary housing – in compliance with program housing quality standards – for very low-income families while ensuring that family rents are fair, reasonable, and affordable.
- Encourage self sufficiency of participant families and assist in the expansion of family opportunities which address educational, socio-economic, recreational, and other human services needs.
- Promote fair housing and the equal opportunity for very low-income families of all ethnic backgrounds to experience freedom of housing choice.
- Promote a housing program which maintains quality service and integrity while providing an incentive to private property owners to rent to very low-income families.
- Promote a market-driven housing program that will help qualified low-income families be successful in obtaining affordable housing and increase the supply of housing choices for such families.
- Create positive public awareness and expand the level of family, owner, and community support in accomplishing the GRHC's mission.
- Attain and maintain a high level of standards and professionalism in day-to-day management of all program components.
- Administer an efficient, high-performing agency through continuous improvement of the GRHC's support systems and a high level of commitment to our employees and their development.

The GRHC will make every effort to keep program participants informed of HCV program rules and regulations, and to advise participants of how the program rules affect them.

PART II: THE HOUSING CHOICE VOUCHER (HCV) PROGRAM

1-II.A. OVERVIEW AND HISTORY OF THE PROGRAM

The intent of this section is to provide the public and staff with information related to the overall operation of the program. There have been many changes to the program since its inception in 1974 and a brief history of the program will assist the reader to better understand the program.

The United States Housing Act of 1937 (the “Act”) is responsible for the birth of federal housing program initiatives. The Act was intended to provide financial assistance to states and cities for public works projects, slum clearance and the development of affordable housing developments for low-income residents.

The Housing and Community Development (HCD) Act of 1974 created a new federally assisted housing program – the Section 8 Existing program (also known as the Section 8 Certificate program). The HCD Act represented a significant shift in federal housing strategy from locally owned public housing to privately owned rental housing.

Under the Certificate program, federal housing assistance payments were made directly to private owners of rental housing, where this housing was made available to lower-income families. Eligible families were able to select housing in the private rental market. Assuming that the housing met certain basic physical standards of quality (“housing quality standards”) and was within certain HUD-established rent limitations (“fair market rents”), the family would be able to receive rental assistance in the housing unit. Family contribution to rent was generally set at 30 percent of the family’s adjusted income, with the remainder of the rent paid by the program.

Another unique feature of the Certificate program was that the rental assistance remained with the eligible family, if the family chose to move to another privately-owned rental unit that met program requirements (in contrast to the public housing program where the rental assistance remains with the unit, should the family decide to move). Consequently, the Certificate program was characterized as tenant-based assistance, rather than unit-based assistance.

The Housing and Community Development (HCD) Act of 1987 authorized a new version of tenant-based assistance – the Section 8 Voucher program. The Voucher program was very similar to the Certificate program in that eligible families were able to select housing in the private rental market and receive assistance in that housing unit.

However, the Voucher program permitted families more options in housing selection. Rental housing still had to meet the basic housing quality standards, but there was no fair market rent limitation on rent. In addition, family contribution to rent was not set at a limit of 30 percent of adjusted income. Consequently, depending on the actual rental cost of the unit selected, a family might pay more or less than 30 percent of their adjusted income for rent.

From 1987 through 1999, public housing agencies managed both the Certificate and Voucher tenant-based assistance programs, with separate rules and requirements for each. From 1994 through 1998, HUD published a series of new rules, known as “conforming” rules, to more closely combine and align the two similar housing programs, to the extent permitted by the law.

In 1998, the Quality Housing and Work Responsibility Act (QHWRA) – also known as the Public Housing Reform Act – was signed into law. QHWRA eliminated all statutory differences between the Certificate and Voucher tenant-based programs and required that the two programs be merged into a single tenant-based assistance program, now known as the Housing Choice Voucher (HCV) program.

The HCV program was modeled closely on the pre-merger Voucher program. However, unlike the pre-merger Voucher program, the HCV program requires an assisted family to pay at least 30 percent of adjusted income for rent.

The transition of assistance from the Certificate and Voucher programs to the new HCV program began in October 1999. By October 2001, all families receiving tenant-based assistance were converted to the HCV program.

1-II.B. HCV PROGRAM BASICS

The purpose of the HCV program is to provide rental assistance to eligible families. The rules and regulations of the HCV program are determined by the U.S. Department of Housing and Urban Development. The GRHC is afforded choices in the operation of the program which are included in the GRHC’s administrative plan, a document approved by the board of commissioners of the GRHC.

The HCV program offers mobility to eligible families because they may search for suitable housing anywhere in the GRHC’s jurisdiction and may also be eligible to move under portability to other GRHC’s jurisdictions.

When a family is determined to be eligible for the program and funding is available, the GRHC issues the family a housing voucher. When the family finds a suitable housing unit and funding is available, the GRHC will enter into a contract with the owner and the family will enter into a lease with the owner. Each party makes their respective payment to the owner so that the owner receives full rent.

Even though the family is determined to be eligible for the program, the owner has the responsibility of approving the family as a suitable renter. The GRHC continues to make payments to the owner as long as the family is eligible and the housing unit continues to qualify under the program.

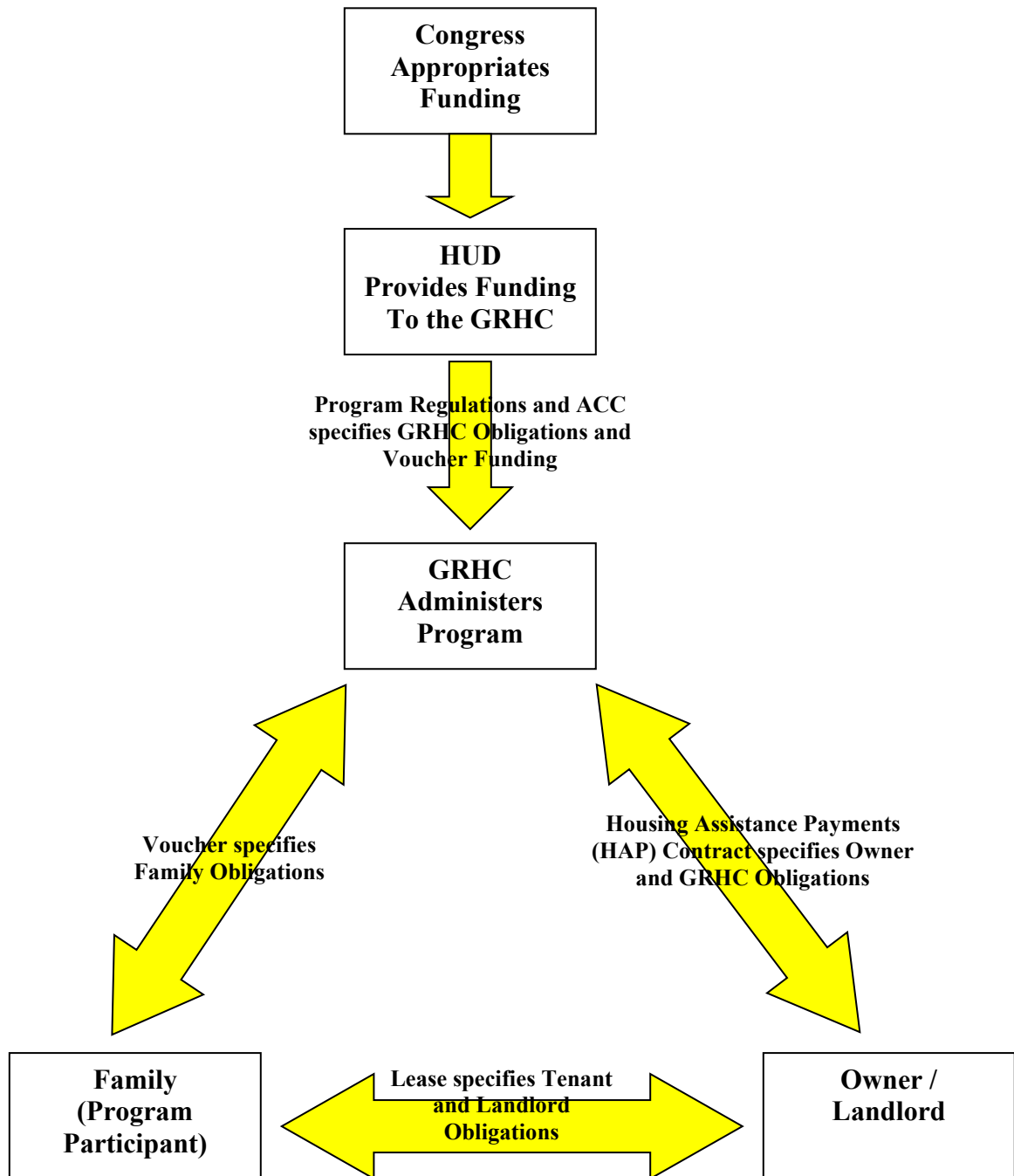
1-II.C. THE HCV PARTNERSHIPS

To administer the HCV program, the GRHC enters into a contractual relationship with HUD (Consolidated Annual Contributions Contract). The GRHC also enters into contractual relationships with the assisted family and the owner or landlord of the housing unit.

For the HCV program to work and be successful, all parties involved – HUD, the GRHC, the owner, and the family – have important roles to play. The roles and responsibilities of all parties are defined in federal regulations and in legal documents that parties execute to participate in the program.

The chart on the following page illustrates key aspects of these relationships.

The HCV Relationships:



What Does HUD Do?

HUD has the following major responsibilities:

- Develop regulations, requirements, handbooks, notices and other guidance to implement HCV housing program legislation passed by Congress;
- Allocate HCV program funds to the GRHC;
- Provide technical assistance to the GRHC on interpreting and applying HCV program requirements;
- Monitor GRHC compliance with HCV program requirements and GRHC performance in program administration.

What Does the GRHC Do?

The GRHC administers the HCV program under contract with HUD and has the following major responsibilities:

- Establish local policies to administer the program;
- Review applications from interested applicants to determine whether they are eligible for the program;
- Maintain a waiting list and select families for admission;
- Issue vouchers to eligible families and provide information on how to lease a unit;
- Conduct outreach to owners, with special attention to owners outside areas of poverty or minority concentration;
- Approve the rental unit (including assuring compliance with housing quality standards and rent reasonableness), the owner, and the lease;
- Make housing assistance payments to the owner in a timely manner;
- Recertify families for continued eligibility under the program;
- Ensure that owners and families comply with their contractual obligations;
- Provide families and owners with prompt, professional service;
- Comply with all fair housing and equal opportunity requirements, HUD regulations and requirements, the Annual Contributions Contract, HUD-approved applications for funding, the GRHC's administrative plan, and other applicable federal, state and local laws.

What Does the Owner Do?

The owner has the following major responsibilities:

- Screen families who apply for tenancy, to determine suitability as renters.
 - The GRHC can provide some information to the owner, but the primary responsibility for tenant screening rests with the owner.
 - The owner should consider family background factors such as rent and bill-paying history, history of caring for property, respecting the rights of others to peaceful

enjoyment of the property, compliance with essential conditions of tenancy, whether the family is engaging in drug-related criminal activity or other criminal activity that might threaten others.

- Comply with the terms of the Housing Assistance Payments contract executed with the GRHC;
- Comply with all applicable fair housing laws and do not discriminate against anyone;
- Maintain the housing unit in accordance with Housing Quality Standards (HQS) and make necessary repairs in a timely manner;
- Collect rent due from the assisted family and otherwise comply with and enforce provisions of the dwelling lease.

What Does the Family Do?

The family has the following responsibilities:

- Provide the GRHC with complete and accurate information as determined by the GRHC to be necessary for administration of the program;
- Make their best and most timely efforts to locate qualified and suitable housing;
- Attend all appointments scheduled by the GRHC;
- Allow the GRHC to inspect the unit at reasonable times and after reasonable notice;
- Take responsibility for care of the housing unit, including any violations of housing quality standards caused by the family;
- Comply with the terms of the lease with the owner;
- Comply with the family obligations of the voucher;
- Not commit serious or repeated violations of the lease;
- Not engage in drug-related or violent criminal activity;
- Notify the GRHC and the owner before moving or terminating the lease;
- Use the assisted unit only for residence and as the sole residence of the family. Not sublet the unit, assign the lease, or have any interest in the unit;
- Promptly notify the GRHC of any changes in family composition;
- Not commit fraud, bribery, or any other corrupt or criminal act in connection with any housing programs.

1-II.D. APPLICABLE REGULATIONS

Applicable regulations include:

- 24 CFR Part 5: General Program Requirements
- 24 CFR Part 8: Nondiscrimination
- 24 CFR Part 35: Lead-Based Paint

- 24 CFR Part 100: The Fair Housing Act
- 24 CFR Part 982: Section 8 Tenant-Based Assistance: Housing Choice Voucher Program
- 24 CFR Part 983: Project-Based Vouchers
- 24 CFR Part 985: The Section 8 Management Assessment Program (SEMAP)
- 24 CFR Part 903: Public Housing Agency Plans

PART III: THE HCV ADMINISTRATIVE PLAN

1-III.A. OVERVIEW AND PURPOSE OF THE PLAN

The administrative plan is required by HUD. The purpose of the administrative plan is to establish policies for carrying out the programs in a manner consistent with HUD requirements and local goals and objectives contained in the GRHC's agency plan. This administrative plan is a supporting document to the GRHC agency plan, and is available for public review as required by 24 CFR Part 903.

This administrative plan is set forth to define the GRHC's local policies for operation of the housing programs in accordance with federal laws and regulations. All issues related to the HCV program not addressed in this document are governed by such federal regulations, HUD handbooks and guidebooks, notices, and other applicable law. The policies in this administrative plan have been designed to ensure compliance with the consolidated ACC and all HUD-approved applications for program funding.

The GRHC is responsible for complying with all changes in HUD regulations pertaining to the HCV program. If such changes conflict with this plan, HUD regulations will have precedence.

Administration of the HCV program and the functions and responsibilities of GRHC staff shall be in compliance with the GRHC's personnel policy and HUD regulations as well as all federal, state and local fair housing laws and regulations.

1-III.B. CONTENTS OF THE PLAN [24 CFR 982.54]

The HUD regulations at 24 CFR 982.54 define the policies that must be included in the administrative plan. They are as follow:

- Selection and admission of applicants from the GRHC waiting list, including any GRHC admission preferences, procedures for removing applicant names from the waiting list, and procedures for closing and reopening the GRHC waiting list (Chapter 4);
- Issuing or denying vouchers, including GRHC policy governing the voucher term and any extensions of the voucher term. If the GRHC decides to allow extensions of the voucher term, the GRHC administrative plan must describe how the GRHC determines whether to grant extensions, and how the GRHC determines the length of any extension (Chapter 5);
- Any special rules for use of available funds when HUD provides funding to the GRHC for a special purpose (e.g., desegregation), including funding for specified families or a specified category of families (Chapter 4);

- Occupancy policies, including definition of what group of persons may qualify as a 'family', definition of when a family is considered to be 'continuously assisted'; standards for denying admission or terminating assistance based on criminal activity or alcohol abuse in accordance with 982.553 (Chapters 3 and 12);
- Encouraging participation by owners of suitable units located outside areas of low income or minority concentration (Chapter 13);
- Assisting a family that claims that illegal discrimination has prevented the family from leasing a suitable unit (Chapter 2);
- Providing information about a family to prospective owners (Chapters 3 and 9);
- Disapproval of owners (Chapter 13);
- Subsidy standards (Chapter 5);
- Family absence from the dwelling unit (Chapter 12);
- How to determine who remains in the program if a family breaks up (Chapter 3);
- Informal review procedures for applicants (Chapter 16);
- Informal hearing procedures for participants (Chapter 16);
- The process for establishing and revising voucher payment standards, including policies on administering decreases in the payment standard during the HAP contract term (Chapter 16);
- The method of determining that rent to owner is a reasonable rent (initially and during the term of a HAP contract) (Chapter 8);
- Special policies concerning special housing types in the program (e.g., use of shared housing) (Chapter 15);
- Policies concerning payment by a family to the GRHC of amounts the family owes the GRHC (Chapter 16);
- Interim redeterminations of family income and composition (Chapter 11);
- Restrictions, if any, on the number of moves by a participant family (Chapter 10);
- Approval by the board of commissioners or other authorized officials to charge the administrative fee reserve (Chapter 16);
- Procedural guidelines and performance standards for conducting required housing quality standards inspections (Chapter 8); and
- GRHC screening of applicants for family behavior or suitability for tenancy (Chapter 3).

Mandatory vs. Discretionary Policy

HUD makes a distinction between:

- Mandatory policies: those driven by legislation, regulations, current handbooks, notices, and legal opinions, and
- Optional, non-binding guidance, including guidebooks, notices that have expired and recommendations from individual HUD staff.

HUD expects the GRHC to adopt local policies and procedures that are consistent with mandatory policies in areas where HUD gives the GRHC discretion.

1-III.C. ORGANIZATION OF THE PLAN

The plan is organized to provide information to users in particular areas of operation.

1-III.D. UPDATING AND REVISING THE PLAN

The GRHC will revise and update this administrative plan at least once a year to comply with changes in HUD regulations, GRHC operations, or when needed to ensure staff consistency in operation. The original plan and any changes must be approved by the board of commissioners of the agency, the pertinent sections included in the Agency Plan, and a copy provided to HUD.

CHAPTER 2

FAIR HOUSING AND EQUAL OPPORTUNITY

| | |
|--|----|
| INTRODUCTION | 2 |
| PART I: NONDISCRIMINATION | 3 |
| 2-I.A. OVERVIEW | 3 |
| 2-I.B. NONDISCRIMINATION | 3 |
| PART II: POLICIES RELATED TO PERSONS WITH DISABILITIES | 6 |
| 2-II.A. OVERVIEW | 6 |
| 2-II.B. DEFINITION OF REASONABLE ACCOMMODATION | 6 |
| 2-II.C. REQUEST FOR AN ACCOMMODATION | 7 |
| 2-II.D. VERIFICATION OF DISABILITY | 7 |
| 2-II.E. APPROVAL/DENIAL OF A REQUESTED ACCOMMODATION | 8 |
| 2-II.F. PROGRAM ACCESSIBILITY FOR PERSONS WITH HEARING OR VISION IMPAIRMENTS | 9 |
| 2-II.G. PHYSICAL ACCESSIBILITY | 9 |
| 2-II.H. DENIAL OR TERMINATION OF ASSISTANCE | 10 |
| PART III: IMPROVING ACCESS TO SERVICES FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY (LEP) | 11 |
| 2-III.A. OVERVIEW | 11 |
| 2-III.B. ORAL INTERPRETATION | 11 |
| 2-III.C. WRITTEN TRANSLATION | 12 |
| 2-III.D. IMPLEMENTATION PLAN | 12 |

INTRODUCTION

This chapter explains the laws and HUD regulations requiring the GRHC to affirmatively further civil rights and fair housing in all federally assisted housing programs. The letter and spirit of these laws are implemented through consistent policy and processes. The responsibility to further nondiscrimination pertains to all areas of the GRHC's housing choice voucher (HCV) operations.

This chapter describes HUD regulations and GRHC policies related to these topics in three parts:

Part I: Nondiscrimination. This part presents the body of laws and regulations governing the responsibilities of the GRHC regarding nondiscrimination.

Part II: Policies Related to Persons with Disabilities. This part discusses the rules and policies of the housing choice voucher program related to reasonable accommodation for persons with disabilities. These rules and policies are based on the Fair Housing Act (42.U.S.C.) and Section 504 of the Rehabilitation Act of 1973, and incorporate guidance from the Joint Statement of The Department of Housing and Urban Development and the Department of Justice (DOJ), issued May 17, 2004.

Part III: Prohibition of Discrimination Against Limited English Proficiency Persons. This part details the obligations of the GRHC to ensure meaningful access to the HCV program and its activities by persons with limited English proficiency (LEP). This part incorporates the Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition against National Origin Discrimination Affecting Limited English Proficient Persons published January 22, 2007, in the *Federal Register*.

PART I: NONDISCRIMINATION

2-I.A. OVERVIEW

Federal laws require PHAs to treat all applicants and participants equally, providing the same opportunity to access services, regardless of family characteristics and background. Federal law prohibits discrimination in housing on the basis of race, color, religion, sex, national origin, age, familial status, and disability. In addition, HUD regulations provide for additional protections regarding sexual orientation, gender identity, and marital status. The PHA will comply fully with all federal, state, and local nondiscrimination laws, and with rules and regulations governing fair housing and equal opportunity in housing and employment, including:

- Title VI of the Civil Rights Act of 1964
- Title VIII of the Civil Rights Act of 1968 (as amended by the Community Development Act of 1974 and the Fair Housing Amendments Act of 1988)
- Executive Orders 11063 and 13988
- Section 504 of the Rehabilitation Act of 1973
- The Age Discrimination Act of 1975
- Title II of the Americans with Disabilities Act (to the extent that it applies, otherwise Section 504 and the Fair Housing Amendments govern)
- The Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity Final Rule, published in the *Federal Register* February 3, 2012 and further clarified in Notice PIH 2014-20
- Violence Against Women Reauthorization Act of 2013 (VAWA)

When more than one civil rights law applies to a situation, the laws will be read and applied together.

Any applicable state laws or local ordinances and any legislation protecting individual rights of tenants, applicants, or staff that may subsequently be enacted will also apply.

2-I.B. NONDISCRIMINATION

Federal regulations prohibit discrimination against certain protected classes and other groups of people. State and local requirements, as well as GRHC policies, can prohibit discrimination based on other factors.

The GRHC shall not discriminate because of race, color, sex, religion, familial status, age, disability or national origin (called “protected classes”)

- Familial status includes children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18.
- The GRHC will not discriminate on the basis of marital status, gender identity, or sexual orientation [FR Notice 02/03/12; Executive Order 13988].

- The City of Grand Rapids in Section 9.955 includes Source of Income as a protected class in its jurisdiction. The GRHC will require compliance, where applicable.

The GRHC will not use any of these factors to:

- Deny to any family the opportunity to apply for housing, nor deny to any qualified applicant the opportunity to participate in the housing choice voucher program
- Provide housing that is different from that provided to others
- Subject anyone to segregation or disparate treatment
- Subject anyone to sexual harassment
- Restrict anyone's access to any benefit enjoyed by others in connection with the housing program
- Treat a person differently in determining eligibility or other requirements for admission
- Steer an applicant or participant toward or away from a particular area based any of these factors
- Deny anyone access to the same level of services
- Deny anyone the opportunity to participate in a planning or advisory group that is an integral part of the housing program
- Discriminate in the provision of residential real estate transactions
- Discriminate against someone because they are related to or associated with a member of a protected class
- Publish or cause to be published an advertisement or notice indicating the availability of housing that prefers or excludes persons who are members of a protected class

Providing Information to Families and Owners

The GRHC will take steps to ensure that families and owners are fully aware of all applicable civil rights laws. As part of the briefing process, the GRHC will provide information to HCV applicant families about civil rights requirements and the opportunity to rent in a broad range of neighborhoods [24 CFR 982.301]. The Housing Assistance Payments (HAP) contract informs owners of the requirement not to discriminate against any person because of race, color, religion, sex, national origin, age, familial status, or disability in connection with the contract.

Discrimination Complaints

If an applicant or participant believes that any family member has been discriminated against by the GRHC or an owner, the family should advise the GRHC. The GRHC will make every reasonable attempt to determine whether the applicant's or participant's assertions have merit and take any warranted corrective action. In addition, the GRHC is required to provide the applicant or participant with information about how to file a discrimination complaint [24 CFR 982.304].

Upon receipt of a housing discrimination complaint, the GRHC is required to:

- Provide written notice of the complaint to those alleged and inform the complainant that such notice was made.
- Investigate the allegations and provide the complainant and those alleged with findings and either a proposed corrective action or an explanation of why corrective action is not warranted.
- Keep records of all complaints, investigations, notices, and corrective actions [Notice PIH 2014-20] (See Chapter 16)
- Within 15 calendar days of receiving the complaint, the GRHC will provide a written notice to those alleged to have violated the rule. The GRHC will also send a written notice to the complainant informing them that notice was sent to those alleged to have violated the rule, as well as information on how to complete and submit a housing discrimination complaint form to HUD's Office of Fair Housing and Equal Opportunity (FHEO).
- The GRHC will attempt to remedy discrimination complaints made against the GRHC and will investigate all allegations of discrimination.
- Within 15 calendar days following the conclusion of the GRHC's investigation, the GRHC will provide the complainant and those alleged to have violated the rule with findings and either a proposed corrective action plan or an explanation of why corrective action is not warranted.

PART II: POLICIES RELATED TO PERSONS WITH DISABILITIES

2-II.A. OVERVIEW

One type of disability discrimination prohibited by the Fair Housing Act is the refusal to make reasonable accommodation in rules, policies, practices, or services when such accommodation may be necessary to afford a person with a disability the equal opportunity to use and enjoy a program or dwelling under the program.

The GRHC will ensure that persons with disabilities have full access to the GRHC's programs and services. This responsibility begins with the first contact by an interested family and continues through every aspect of the program.

The GRHC will ask all applicants and participants if they require any type of accommodations, in writing, on the intake application, reexamination documents, and notices of adverse action by the GRHC, by including the following language:

“If you or anyone in your family is a person with disabilities, and you require a specific accommodation in order to fully utilize our programs and services, please contact the housing authority.”

A specific name and phone number of designated staff will be provided to process requests for accommodation.

The GRHC will display posters and other housing information and signage in locations throughout the GRHC's office in such a manner as to be easily readable from a wheelchair.

2-II.B. DEFINITION OF REASONABLE ACCOMMODATION

A reasonable accommodation is an adjustment made to a rule, policy, practice, or service that allows a person with a disability to have equal access to the HCV program. For example, reasonable accommodations may include making home visits, extending the voucher term, or approving an exception payment standard in order for a participant to lease an accessible dwelling unit.

Federal regulations stipulate that requests for accommodations will be considered reasonable if they do not create an “undue financial and administrative burden” for the GRHC, or result in a “fundamental alteration” in the nature of the program or service offered. A fundamental alteration is a modification that alters the essential nature of a provider's operations.

Types of Reasonable Accommodations

When needed, the GRHC will modify normal procedures to accommodate the needs of a person with disabilities. Examples include:

- Permitting applications and reexaminations to be completed by mail
- Conducting home visits
- Using higher payment standards (either within the acceptable range or with HUD approval of a payment standard outside the GRHC range) if the GRHC determines this is necessary to enable a person with disabilities to obtain a suitable housing unit

- Providing time extensions for locating a unit when necessary because of lack of availability of accessible units or special challenges of the family in seeking a unit
- Permitting an authorized designee or advocate to participate in the application or certification process and any other meetings with GRHC staff

2-II.C. REQUEST FOR AN ACCOMMODATION

If an applicant or participant indicates that an exception, change, or adjustment to a rule, policy, practice, or service is needed because of a disability, HUD requires that the GRHC treat the information as a request for a reasonable accommodation, even if no formal request is made [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act].

The GRHC will encourage the family to make its request in writing using a reasonable accommodation request form. However, the GRHC will consider the accommodation any time the family indicates that an accommodation is needed whether or not a formal written request is submitted.

The family must explain what type of accommodation is needed to provide the person with the disability full access to the GRHC's programs and services.

If the need for the accommodation is not readily apparent or known to the GRHC, the family must explain the relationship between the requested accommodation and the disability. There must be an identifiable connection, or nexus, between the requested accommodation and the individual's disability.

2-II.D. VERIFICATION OF DISABILITY

The regulatory civil rights definition for persons with disabilities is provided in exhibit 2-1 at the end of this chapter. The definition of a person with a disability for the purpose of obtaining a reasonable accommodation is much broader than the HUD definition of disability which is used for waiting list preferences and income allowances.

Before providing an accommodation, the GRHC must determine that the person meets the definition of a person with a disability, and that the accommodation will enhance the family's access to the GRHC's programs and services.

If a person's disability is obvious or otherwise known to the GRHC, and if the need for the requested accommodation is also readily apparent or known, no further verification will be required [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act].

If a family indicates that an accommodation is required for a disability that is not obvious or otherwise known to the GRHC, the GRHC will verify that the person meets the definition of a person with a disability, and that the limitations imposed by the disability require the requested accommodation.

When verifying a disability, the GRHC will follow the verification policies provided in Chapter 7. All information related to a person's disability will be treated in accordance with the confidentiality policies provided in Chapter 16. In addition to the general requirements that govern all verification efforts, the following requirements apply when verifying a disability:

- Third-party verification must be obtained from an individual identified by the family who is competent to make the determination. A doctor or other medical professional, a peer support group, a non-medical service agency, or a reliable third party who is in a position to know about the individual's disability may provide verification of a disability [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act]
- The GRHC will request only information that is necessary to evaluate the disability-related need for the accommodation. The GRHC will not inquire about the nature or extent of any disability.
- Medical records will not be accepted or retained in the participant file.
- In the event that the GRHC does receive confidential information about a person's specific diagnosis, treatment, or the nature or severity of the disability, the GRHC will dispose of it. In place of the information, the GRHC will note in the file that the disability and other requested information have been verified, the date the verification was received, and the name and address of the knowledgeable professional who sent the information [Notice PIH 2010-26].

2-II.E. APPROVAL/DENIAL OF A REQUESTED ACCOMMODATION [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act, Notice PIH 2010-26].

The GRHC will approve a request for an accommodation if the following three conditions are met:

- The request was made by or on behalf of a person with a disability.
- There is a disability-related need for the accommodation.
- The requested accommodation is reasonable, meaning it would not impose an undue financial and administrative burden on the GRHC, or fundamentally alter the nature of the GRHC's HCV operations (including the obligation to comply with HUD requirements and regulations).
- After a request for an accommodation is presented, the GRHC will respond in writing within 15 calendar days.
 - If the GRHC denies a request for an accommodation because there is no relationship, or nexus, found between the disability and the requested accommodation, the notice will inform the family of the right to appeal the GRHC's decision through an informal review (if applicable) or informal hearing (see Chapter 16).
 - If the GRHC denies a request for an accommodation because it is not reasonable (it would impose an undue financial and administrative burden or fundamentally alter the nature of the GRHC's operations), the GRHC will discuss with the family whether an alternative accommodation could effectively address the family's disability-related needs without a fundamental alteration to the HCV program and without imposing an undue financial and administrative burden.

- If the GRHC believes that the family has failed to identify a reasonable alternative accommodation after interactive discussion and negotiation, the GRHC will notify the family in writing of its determination within 15 calendar days from the date of the most recent discussion or communication with the family.
- Reasonable accommodation requests will be reviewed by GRHC's Reasonable Accommodations Committee. The committee will be composed of GRHC's staff members from various GRHC departments. Upon review of the information, the committee may request additional supporting documents to substantiate the family's request. The request for the additional information will be made in writing and will provide the requestor a "reasonable" amount of time to submit the supporting documents. All decisions made by the committee will be provided to the family in writing.

2-II.F. PROGRAM ACCESSIBILITY FOR PERSONS WITH HEARING OR VISION IMPAIRMENTS

HUD regulations require the GRHC to ensure that persons with disabilities related to hearing and vision have reasonable access to the GRHC's programs and services [24 CFR 8.6].

At the initial point of contact with each applicant, the GRHC shall inform all applicants of alternative forms of communication that can be used other than plain language paperwork.

To meet the needs of persons with hearing impairments, TTD/TTY (text telephone display / teletype) communication will be available.

To meet the needs of persons with vision impairments, large-print and audio versions of key program documents will be made available upon request. When visual aids are used in public meetings or presentations, or in meetings with GRHC staff, one-on-one assistance will be provided upon request.

Additional examples of alternative forms of communication that maybe used are sign language interpretation; having material explained orally by staff; or having a third party representative (a friend, relative or advocate, named by the applicant) to receive, interpret and explain housing materials and be present at all meetings.

2-II.G. PHYSICAL ACCESSIBILITY

The GRHC will comply with a variety of regulations pertaining to physical accessibility, including the following:

- Notice PIH 2010-26
- Section 504 of the Rehabilitation Act of 1973
- The Americans with Disabilities Act of 1990
- The Architectural Barriers Act of 1968
- The Fair Housing Act of 1988

The GRHC's policies concerning physical accessibility must be readily available to applicants and participants. They can be found in three key documents:

- This plan describes the key policies that govern the GRHC's responsibilities with regard to physical accessibility.
- Notice PIH 2010-26 summarizes information about pertinent laws and implementing regulations related to nondiscrimination and accessibility in federally-funded housing programs.
- The GRHC Plan provides information about self-evaluation, needs assessment, and transition plans.

The design, construction, or alteration of GRHC facilities must conform to the Uniform Federal Accessibility Standards (UFAS). Newly-constructed facilities must be designed to be readily accessible to and usable by persons with disabilities. Alterations to existing facilities must be accessible to the maximum extent feasible, defined as not imposing an undue financial and administrative burden on the operations of the HCV program.

When issuing a voucher to a family that includes an individual with disabilities, the GRHC will include a current list of available accessible units known to the GRHC and will assist the family in locating an available accessible unit, if necessary.

In general, owners must permit the family to make reasonable modifications to the unit. However, the owner is not required to pay for the modification and may require that the unit be restored to its original state at the family's expense when the family moves.

2-II.H. DENIAL OR TERMINATION OF ASSISTANCE

A GRHC's decision to deny or terminate the assistance of a family that includes a person with disabilities is subject to consideration of reasonable accommodation [24 CFR 982.552 (2)(iv)].

When applicants with disabilities are denied assistance, the notice of denial must inform them of the GRHC's informal review process and their right to request an informal review. In addition, the notice must inform applicants with disabilities of their right to request reasonable accommodations to participate in the informal review process.

When a participant family's assistance is terminated, the notice of termination must inform them of the GRHC's informal hearing process and their right to request a hearing and reasonable accommodation.

When reviewing reasonable accommodation requests, the GRHC must consider whether any mitigating circumstances can be verified to explain and overcome the problem that led to the GRHC's decision to deny or terminate assistance. If a reasonable accommodation will allow the family to meet the requirements, the GRHC must make the accommodation.

PART III: IMPROVING ACCESS TO SERVICES FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY (LEP)

2-III.A. OVERVIEW

Language for Limited English Proficiency Persons (LEP) can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by the HCV program. In certain circumstances, failure to ensure that LEP persons can effectively participate in or benefit from federally-assisted programs and activities may violate the prohibition under Title VI against discrimination on the basis of national origin. This part incorporates the Final Guidance to Federal Assistance Recipients Regarding Title VI Prohibition against National Origin Discrimination Affecting Limited English Proficient Persons, published January 22, 2007, in the *Federal Register*.

The GRHC will take affirmative steps to communicate with people who need services or information in a language other than English. These persons will be referred to as Persons with Limited English Proficiency (LEP).

LEP is defined as persons who do not speak English as their primary language and who have a limited ability to read, write, speak or understand English. For the purposes of this administrative plan, LEP persons are HCV applicants and participants, and parents and family members of applicants and participants.

In order to determine the level of access needed by LEP persons, the GRHC will balance the following four factors: (1) the number or proportion of LEP persons eligible to be served or likely to be encountered by the Housing Choice Voucher program; (2) the frequency with which LEP persons come into contact with the program; (3) the nature and importance of the program, activity, or service provided by the program to people's lives; and (4) the resources available to the GRHC and costs. Balancing these four factors will ensure meaningful access by LEP persons to critical services while not imposing undue burdens on the GRHC.

2-III.B. ORAL INTERPRETATION

The GRHC will utilize a language line for telephone interpreter services free of charge, upon request.

When exercising the option to conduct remote briefings, informal reviews, or hearings, the GRHC will coordinate with a remote interpretation service which, when available, uses video conferencing technology rather than voice-only interpretation.

Where LEP persons desire, they will be permitted to use, at their own expense, an interpreter of their own choosing, in place of or as a supplement to the free language services offered by the GRHC. The GRHC, at its discretion, may choose to use the language services even when LEP persons desire to use an interpreter of their choosing. The interpreter may be a family member or friend. If the interpreter chosen by the family is a minor, the GRHC will not rely on the minor to serve as the interpreter.

The GRHC will analyze the various kinds of contacts it has with the public, to assess language needs and decide what reasonable steps should be taken. "Reasonable steps" may

not be reasonable where the costs imposed substantially exceed the benefits.

Where feasible and possible, according to its language assistance plan (LAP), the GRHC will train and hire bilingual staff to be available to act as interpreters and translators, and will standardize documents.

2-III.C. WRITTEN TRANSLATION

In order to comply with written-translation obligations, the GRHC will take the following steps:

- The GRHC will provide written translations of vital documents for each eligible LEP language group that constitutes 5 percent or 1,000 persons, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally; or
- If there are fewer than 50 persons in a language group that reaches the 5 percent trigger, the PHA does not translate vital written materials, but provides written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

2-III.D. IMPLEMENTATION PLAN

If it is determined that the GRHC serves very few LEP persons, and the GRHC has very limited resources, the GRHC will not develop a written LEP plan, but will consider alternative ways to articulate in a reasonable manner a plan for providing meaningful access. Entities having significant contact with LEP persons, such as schools, grassroots and faith-based organizations, community groups, and groups working with new immigrants will be contacted for input into the process.

If the GHRC determines it is appropriate to develop a written LEP plan, the following five steps will be taken: (1) Identifying LEP individuals who need language assistance; (2) identifying language assistance measures; (3) training staff; (4) providing notice to LEP persons; and (5) monitoring and updating the LEP plan.

| |
|---|
| EXHIBIT 2-1: DEFINITION OF A PERSON WITH A DISABILITY UNDER FEDERAL CIVIL RIGHTS LAWS [24 CFR Parts 8.3 and 100.201] |
|---|

A person with a disability, as defined under federal civil rights laws, is any person who:

- Has a physical or mental impairment that substantially limits one or more of the major life activities of an individual, or
- Has a record of such impairment, or
- Is regarded as having such impairment

The phrase “physical or mental impairment” includes:

- Any physiological disorder or condition, cosmetic or disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or
- Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term “physical or mental impairment” includes, but is not limited to: such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction and alcoholism.

“Major life activities” includes, but is not limited to, caring for oneself, performing manual tasks, walking, seeing, hearing, breathing, learning, and/or working.

“Has a record of such impairment” means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

“Is regarded as having an impairment” is defined as having a physical or mental impairment that does not substantially limit one or more major life activities but is treated by a public entity (such as the PHA) as constituting such a limitation; has none of the impairments defined in this section but is treated by a public entity as having such an impairment; or has a physical or mental impairment that substantially limits one or more major life activities, only as a result of the attitudes of others toward that impairment.

The definition of a person with disabilities does not include:

- Current illegal drug users
- People whose alcohol use interferes with the rights of others
- Persons who objectively pose a direct threat or substantial risk of harm to others that cannot be controlled with a reasonable accommodation under the HCV program

The above definition of disability determines whether an applicant or participant is entitled to any of the protections of federal disability civil rights laws. Thus, a person who does not meet this disability is not entitled to a reasonable accommodation under federal civil rights and fair housing laws and regulations.

The HUD definition of a person with a disability is much narrower than the civil rights definition of disability. The HUD definition of a person with a disability is used for purposes of receiving the disabled family preference, the \$400 elderly/disabled household deduction, the \$480 dependent deduction, the allowance for medical expenses, or the allowance for disability assistance expenses.

The definition of a person with a disability for purposes of granting a reasonable accommodation request is much broader than the HUD definition of disability. Many people will not qualify as a disabled person under the HCV program, yet an accommodation is needed to provide equal opportunity.

Chapter 3 ELIGIBILITY

| | |
|---|----|
| INTRODUCTION | 3 |
| PART I: DEFINITIONS OF FAMILY AND HOUSEHOLD MEMBERS..... | 4 |
| 3-I.A. OVERVIEW..... | 4 |
| 3-I.B. FAMILY AND HOUSEHOLD..... | 4 |
| 3-I.C. FAMILY BREAKUP AND REMAINING MEMBER OF TENANT FAMILY | 4 |
| 3-I.D. HEAD OF HOUSEHOLD | 5 |
| 3-I.E. SPOUSE, COHEAD, AND OTHER ADULT | 6 |
| 3-I.F. DEPENDENT | 6 |
| 3-I.G. FULL-TIME STUDENT..... | 6 |
| 3-I.H. ELDERLY AND NEAR-ELDERLY PERSONS, AND ELDERLY FAMILY | 7 |
| 3-I.I. PERSONS WITH DISABILITIES AND DISABLED FAMILY | 7 |
| 3-I.J. GUESTS | 7 |
| 3-I.K. FOSTER CHILDREN AND FOSTER ADULTS..... | 8 |
| 3-I.L. ABSENT FAMILY MEMBERS..... | 8 |
| 3-I.M. LIVE-IN AIDE | 9 |
| PART II: BASIC ELIGIBILITY CRITERIA..... | 11 |
| 3-II.A. INCOME ELIGIBILITY AND TARGETING..... | 11 |
| 3-II.B. CITIZENSHIP OR ELIGIBLE IMMIGRATION STATUS | 12 |
| 3-II.C. SOCIAL SECURITY NUMBERS..... | 14 |
| 3-II.D. FAMILY CONSENT TO RELEASE OF INFORMATION]..... | 14 |
| 3-II.E. STUDENTS ENROLLED IN INSTITUTIONS OF HIGHER EDUCATION | 15 |
| 3-II.F. EIV SYSTEM SEARCHES | 18 |
| PART III: DENIAL OF ASSISTANCE..... | 20 |
| 3-III.A. OVERVIEW | 20 |
| 3-III.B. MANDATORY DENIAL OF ASSISTANCE [24 CFR 982.553(a)]..... | 20 |

| | |
|--|----|
| 3-III.D. SCREENING | 24 |
| 3-III.E. CRITERIA FOR DECIDING TO DENY ASSISTANCE..... | 25 |
| 3-III.F. NOTICE OF ELIGIBILITY OR DENIAL | 26 |
| 3-III.G. PROHIBITION AGAINST DENIAL OF ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING | 27 |
| EXHIBIT 3-1: DETAILED DEFINITIONS RELATED TO DISABILITIES | 29 |
| EXHIBIT 3-2: DEFINITION OF INSTITUTION OF HIGHER EDUCATION..... | 32 |

INTRODUCTION

The GRHC is responsible for ensuring that every individual and family admitted to the HCV program meets all program eligibility requirements. This includes any individual approved to join the family after the family has been admitted to the program. The family must provide any information needed by the GRHC to confirm eligibility and determine the level of the family's assistance.

To be eligible for the HCV program:

- The applicant family must:
 - Qualify as a family as defined by HUD and the GRHC.
 - Have income at or below HUD-specified income limits.
 - Qualify on the basis of citizenship or the eligible immigrant status of family members.
 - Provide social security number information for household members as required.
 - Consent to the GRHC's collection and use of family information as provided for in GRHC-provided consent forms.
 - Not currently be receiving a duplicative subsidy.
- The GRHC must determine that the current or past behavior of household members does not include activities that are prohibited by HUD or the GRHC.

This chapter contains three parts:

Part I: Definitions of Family and Household Members. This part contains HUD and GRHC definitions of family and household members and explains initial and ongoing eligibility issues related to these members.

Part II: Basic Eligibility Criteria. This part discusses income eligibility, and rules regarding citizenship, social security numbers, and family consent.

Part III: Denial of Assistance. This part covers factors related to an applicant's past or current conduct (e.g. criminal activity) that can cause the GRHC to deny assistance.

PART I: DEFINITIONS OF FAMILY AND HOUSEHOLD MEMBERS

3-I.A. OVERVIEW

Some eligibility criteria and program rules vary depending upon the composition of the family requesting assistance. In addition, some requirements apply to the family as a whole and others apply to individual persons who will live in the assisted unit. This part provides information that is needed to correctly identify family and household members, and to apply HUD's eligibility rules.

3-I.B. FAMILY AND HOUSEHOLD [24 CFR 982.201(C); FR NOTICE 02/03/12; NOTICE PIH 2014-20]

The terms *family* and *household* have different meanings in the HCV program.

Family

To be eligible for assistance, an applicant must qualify as a family.

Family as defined by HUD includes, but is not limited to the following, regardless of actual or perceived sexual orientation, gender identity, or marital status, a single person, who may be an elderly person, disabled person, near-elderly person, or any other single person; or a group of persons residing together.

Such group includes, but is not limited to a family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family), an elderly family, a near-elderly family, a disabled family, a displaced family, or the remaining member of a tenant family.

A family also includes two or more individuals who are not related by blood, marriage, adoption, or other operation of law but who either can demonstrate that they have lived together previously or certify that each individual's income and other resources will be available to meet the needs of the family. The GRHC has the discretion to determine if any other group of persons qualifies as a family. Each family must identify the individuals to be included in the family at the time of application, and must notify the GRHC if the family's composition changes.

Gender Identity means actual or perceived gender characteristics.

Sexual orientation means homosexuality, heterosexuality, or bisexuality.

Household

Household is a broader term that includes additional people who, with the GRHC's permission, live in an assisted unit, such as live-in aides, foster children, and foster adults.

3-I.C. FAMILY BREAKUP AND REMAINING MEMBER OF TENANT FAMILY

Family Breakup [24 CFR 982.315; Notice PIH 2017-08]

Except under the following conditions, the GRHC has discretion to determine which members of an assisted family continue to receive assistance if the family breaks up:

- If the family breakup results from an occurrence of domestic violence, dating violence, sexual assault, or stalking, the GRHC must ensure that the victim retains assistance. (For documentation requirements and policies related to domestic violence, dating violence,

sexual assault, and stalking, see section 16-IX.D of this plan.)

- In accordance with Notice PIH 2017-08, for HUD–Veterans Affairs Supportive Housing (HUD–VASH) vouchers, when the veteran is the perpetrator of domestic violence, dating violence, sexual assault, or stalking, the victim must continue to be assisted. Upon termination of the perpetrator’s HUD–VASH voucher, the victim should be given a regular HCV if one is available, and the perpetrator’s HUD–VASH voucher should be used to serve another eligible family. If a regular HCV is not available, the victim will continue to use the HUD–VASH voucher, which must be issued to another eligible family upon the voucher’s turnover.
- If a court determines the disposition of property between members of the assisted family, the GRHC is bound by the court’s determination of which family members continue to receive assistance.

When a family on the waiting list breaks up into two otherwise eligible families, only one of the new families may retain the original application date. Other former family members may make a new application with a new application date if the waiting list is open.

If a family breaks up into two otherwise eligible families while receiving assistance, only one of the new families will continue to be assisted.

In the absence of a judicial decision or an agreement among the original family members, the GRHC will determine which family will retain their placement on the waiting list or continue to receive assistance. In making its determination, the GRHC will take into consideration the following factors:

- (1) The interest of any minor children, including custody arrangements;
- (2) The interest of any ill, elderly, or disabled family members;
- (3) The interest of any family member who is the victim of domestic violence, dating violence, sexual assault, or stalking, including a family member who was forced to leave an assisted unit as a result of such actual or threatened abuse;
- (4) Any possible risks to family members as a result of criminal activity; and
- (5) The recommendations of social service professionals

Remaining Member of a Tenant Family [24 CFR 5.403]

The HUD definition of family includes the *remaining member of a tenant family*, which is a member of an assisted family who remains in the unit when other members of the family have left the unit. Household members such as live-in aides, foster children, and foster adults do not qualify as remaining members of a family.

If dependents are the only “remaining members of a tenant family” and there is no family member able to assume the responsibilities of the head of household, see Chapter 6, Section 6-I.B, for the policy on “Caretakers for a Child.”

3-I.D. HEAD OF HOUSEHOLD [24 CFR 5.504(B)]

Head of household means the adult member of the family who is considered the head for purposes of determining income eligibility and rent. The head of household is responsible for

ensuring that the family fulfills all of its responsibilities under the program, alone or in conjunction with a cohead or spouse.

The family may designate any qualified family member as the head of household.

The head of household must have the legal capacity to enter into a lease under state and local law. A minor who is emancipated under state law may be designated as head of household.

3-I.E. SPOUSE, COHEAD, AND OTHER ADULT

A family may have a spouse or cohead, but not both [HUD-50058 IB, p. 13].

Spouse means the marriage partner of the head of household.

A *marriage partner* includes the partner in a "common law" marriage as defined in state law. The term "spouse" does not apply to friends, roommates, or significant others who are not marriage partners. A minor who is emancipated under state law may be designated as a spouse.

A *cohead* is an individual in the household who is equally responsible with the head of household for ensuring that the family fulfills all of its responsibilities under the program, but who is not a spouse. A family can have only one cohead. Minors who are emancipated under state law may be designated as a cohead.

Other adult means a family member, other than the head, spouse, or cohead, who is 18 years of age or older. Foster adults and live-in aides are not considered other adults.

3-I.F. DEPENDENT [24 CFR 5.603]

A *dependent* is a family member who is under 18 years of age or a person of any age who is a person with a disability or a full-time student, except that the following persons can never be dependents: the head of household, spouse, cohead, foster children/adults and live-in aides. Identifying each dependent in the family is important because each dependent qualifies the family for a dependent allowance as described in Chapter 6.

Joint Custody of Dependents

Dependents that are subject to a joint custody arrangement will be considered a member of the family, if they live with the applicant or participant family 50 percent or more of the time. Documentation confirming residency of the dependents may be required.

When more than one applicant or participant family is claiming the same dependents as family members, the family with primary custody at the time of the initial examination or reexamination will be able to claim the dependents. If there is a dispute about which family should claim them, the GRHC will make the determination based on available documents such as court orders, or an IRS return showing which family has claimed the child for income tax purposes.

3-I.G. FULL-TIME STUDENT [24 CFR 5.603; HCV GB, P. 5-29]

A *full-time student* (FTS) is a person who is attending school or vocational training on a full-time basis. The time commitment or subject load that is needed to be full-time is defined by the educational institution. Identifying each FTS is important due to: (1) each family member that is an FTS, other than the head, spouse, or cohead, qualifies the family for a dependent allowance, and (2) the earned income of such an FTS is treated differently from the income of other family members.

3-I.H. ELDERLY AND NEAR-ELDERLY PERSONS, AND ELDERLY FAMILY [24 CFR 5.100 AND 5.403, FR NOTICE 02/03/12]

Elderly Persons

An *elderly person* is a person who is at least 62 years of age.

Near-Elderly Persons

A *near-elderly person* is a person who is 50-61 years of age.

Elderly Family

An *elderly family* is one in which the head, spouse, cohead, or sole member is an elderly person. Identifying elderly families is important because elderly families qualify for the elderly family allowance as described in Chapter 6.

3-I.I. PERSONS WITH DISABILITIES AND DISABLED FAMILY [24 CFR 5.403, FR NOTICE 02/03/12]

Persons with Disabilities

Under the HCV program, special rules apply to persons with disabilities and to any family whose head, spouse, or cohead is a person with disabilities. The technical definitions of individual with handicaps and persons with disabilities are provided in Exhibit 3-1 at the end of this chapter. These definitions are used for a number of purposes including ensuring that persons with disabilities are not discriminated against based upon disability.

As discussed in Chapter 2, the GRHC must make all aspects of the HCV program accessible to persons with disabilities and consider reasonable accommodations requested based upon a person's disability.

Disabled Family

A *disabled family* is one in which the head, spouse, or cohead is a person with disabilities. Identifying disabled families is important because these families qualify for the disabled family allowance as described in Chapter 6.

Even though persons with drug or alcohol dependencies are considered persons with disabilities, this does not prevent the GRHC from denying assistance for reasons related to alcohol and drug abuse in accordance with the policies found in Part III of this chapter, or from terminating assistance in accordance with the policies in Chapter 12.

3-I.J. GUESTS [24 CFR 5.100]

A *guest* is a person temporarily staying in the unit with the consent of a member of the household who has expressed or implied authority to so consent.

A guest can remain in the assisted unit no longer than 30 consecutive days or a total of 90 cumulative calendar days during any 12-month period.

Children who are subject to a joint custody arrangement or for whom a family has visitation privileges, that are not included as a family member because they live outside of the assisted household more than 50 percent of the time, are not subject to the time limitations of guests as described above.

A family may request an exception to this policy for valid reasons (e.g., care of a relative recovering from a medical procedure is expected to last 40 consecutive days). An exception will not be made unless the family can identify and provide documentation of the residence to which the guest will return.

3-I.K. FOSTER CHILDREN AND FOSTER ADULTS

Foster adults are usually persons with disabilities, unrelated to the tenant family, who are unable to live alone [24 CFR 5.609].

The term *foster child* is not specifically defined by the regulations.

Foster children and foster adults who are living with an applicant or who have been approved by the GRHC to live with a participant family are considered household members but not family members. The income of foster children/adults is not counted in family annual income, and foster children/adults do not qualify for a dependent deduction [24 CFR 5.603; HUD-50058 IB, p. 13].

A *foster child* is a child that is in the legal guardianship or custody of a state, county, or private adoption or foster care agency, yet is cared for by foster parents in their own homes, under a short-term or long-term foster care arrangement with the custodial agency.

A foster child or foster adult may be allowed to reside in the unit if their presence would not result in a violation of HQS space standards according to 24 CFR 982.401.

3-I.L. ABSENT FAMILY MEMBERS

Individuals may be absent from the family, either temporarily or permanently, for a variety of reasons including educational activities, placement in foster care, employment, illness, incarceration, and court order.

Definitions of Temporarily and Permanently Absent

Generally an individual who is or is expected to be absent from the assisted unit for 180 consecutive calendar days or less is considered temporarily absent and continues to be considered a family member. Generally an individual who is or is expected to be absent from the assisted unit for more than 180 consecutive calendar days is considered permanently absent and no longer a family member. Exceptions to this general policy are discussed below.

Absent Students

When someone who has been considered a family member attends school away from home, the person will continue to be considered a family member unless information becomes available to the GRHC indicating that the student has established a separate household or the family declares that the student has established a separate household.

Absences Due to Placement in Foster Care [24 CFR 5.403]

If a child has been placed in foster care, the GRHC will verify with the appropriate agency whether and when the child is expected to be returned to the home. Unless the agency confirms that the child has been permanently removed from the home, the child will be counted as a family member. The GRHC may remove the child from the household if the absence is greater than 180 consecutive calendar days.

Absent Head, Spouse, or Cohead

An employed head, spouse, or cohead absent from the unit more than 180 consecutive calendar days due to employment will continue to be considered a family member.

Family Members Permanently Confined for Medical Reasons [HCV GB, p. 5-22]

If a family member is confined to a nursing home or hospital on a permanent basis, that person is no longer considered a family member and the income of that person is not counted [HCV GB, p. 5-22]. The GRHC will request verification of the family member's permanent absence from a responsible medical professional. If the responsible medical professional cannot provide a determination, the person will be considered temporarily absent. If the family certifies that the family member is confined on a permanent basis, they may present, and the GRHC will consider, any additional documentation or evidence.

Return of Permanently Absent Family Members

The family must request GRHC approval for the return of any adult family members that the GRHC previously determined to be permanently absent. The individual is subject to the eligibility and screening requirements discussed elsewhere in this chapter.

3-I.M. LIVE-IN AIDE

A *live-in aide* is a person who resides with one or more elderly persons, or near-elderly persons, or persons with disabilities, and who: (1) is determined to be essential to the care and well-being of the persons, (2) is not obligated for the support of the persons, and (3) would not be living in the unit except to provide the necessary supportive services [24 CFR 5.403].

The GRHC will approve a live-in aide if needed as a reasonable accommodation in accordance with 24 CFR 8, to make the program accessible to and usable by the family member with disabilities.

The income of a live-in aide is not counted in the calculation of annual income for the family [24 CFR 5.609(b)]. Relatives may be approved as live-in aides if they meet all of the criteria defining a live-in aide. Because live-in aides are not *family* members, a relative who serves as a live-in aide would not be considered a remaining member of a tenant family.

A family's request for a live-in aide must be made in writing. Written verification will be required from a reliable, knowledgeable professional, such as a doctor, social worker, or case worker, that the live-in aide is essential for the care and well-being of the elderly, near-elderly, or disabled family member. For continued approval, the family must submit a new, written request-subject to GRHC verification-at each annual reexamination unless a permanent approval for a live-aide has been granted by GRHC.

The GRHC will not approve a particular person as a live-in aide, and may withdraw such approval if [24 CFR 982.316(b)]:

- The person commits fraud, bribery or any other corrupt or criminal act in connection with any federal housing program;
- The person commits drug-related criminal activity or violent criminal activity; or
- The person currently owes rent or other amounts to the GRHC or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act.

The GRHC will notify the family of its decision in writing within 15 calendar days of receiving a request for a live-in aide, including all required documentation related to the request. The family is required to report when the live-in-aide is no longer a part of the household within 15 calendar days of the event.

The GRHC shall document the following annually or when there is a change in live-in aides:

- If the Live-in Aide was approved for one year, a new Request for Reasonable Accommodation must be submitted by the family and approved at the next annual reexamination. In addition, the Live-In Aide must be identified on the request form.
- If the Request for Reasonable Accommodation was approved on a permanent basis, GRHC will verify at annual reexamination that a Live-In Aide has been identified on the request form.
- A certification of Live-In Aide Status must be completed at the annual reexamination for all approved Live-In Aides.

Live-in aide family members and/or their minor children do not count as dependents. Additional bedrooms on the voucher are not granted for the live-in aide's family members.

A person who is currently a live-in aide can become a family member and be added to the family composition if they meet eligibility requirements.

At the annual HQS Inspection, the GRHC must verify that the extra bedroom for the live-in aide is being utilized for that purpose.

PART II: BASIC ELIGIBILITY CRITERIA

3-II.A. INCOME ELIGIBILITY AND TARGETING

| |
|----------------------|
| Income Limits |
|----------------------|

HUD establishes income limits for all areas of the country and publishes them annually in the *Federal Register*. They are based upon estimates of median family income with adjustments for family size. The income limits are used to determine eligibility for the program and for income targeting purposes as discussed in this section.

Definitions of the Income Limits [24 CFR 5.603(b)]

Low-income family. A family whose annual income does not exceed 80 percent of the median income for the area, adjusted for family size.

Very low-income family. A family whose annual income does not exceed 50 percent of the median income for the area, adjusted for family size.

Extremely low-income family. A family whose annual income does not exceed the federal poverty level or 30 percent of the median income for the area, whichever number is higher.

Area median income is determined by HUD, with adjustments for smaller and larger families. HUD may establish income ceilings higher or lower than 30, 50, or 80 percent of the median income for an area if HUD finds that such variations are necessary because of unusually high or low family incomes.

Using Income Limits for Eligibility [24 CFR 982.201]

Income limits are used for eligibility only at admission. Income eligibility is determined by comparing the annual income of an applicant to the applicable income limit for their family size. In order to be income eligible, an applicant family must be one of the following:

- A *very low-income* family
- A *low-income* family that has been "continuously assisted" under the 1937 Housing Act. A family is considered to be continuously assisted if the family is already receiving assistance under any 1937 Housing Act program at the time the family is admitted to the HCV program [24 CFR 982.4]
- A low-income family that qualifies for voucher assistance as a non-purchasing household living in HOPE 1 (public housing homeownership), HOPE 2 (multifamily housing homeownership) developments, or other HUD-assisted multifamily homeownership programs covered by 24 CFR 248.173
- A low-income or moderate-income family that is displaced as a result of the prepayment of a mortgage or voluntary termination of a mortgage insurance contract on eligible low-income housing as defined in 24 CFR 248.101

The GRHC has not established any additional categories of eligible low-income families.

Using Income Limits for Targeting [24 CFR 982.201]

At least 75 percent of the families admitted to the GRHC's program during a its fiscal year must be extremely low-income families. HUD may approve exceptions to this requirement if the

GRHC demonstrates that it has made all required efforts, but has been unable to attract an adequate number of qualified extremely low-income families.

Families continuously assisted under the 1937 Housing Act and families living in eligible low-income housing that are displaced as a result of prepayment of a mortgage or voluntary termination of a mortgage insurance contract are not counted for income targeting purposes.

GRHC MTW Flexibility

The GRHC will ensure that at least 75 percent of households admitted during each fiscal year in the public housing, Housing Choice Voucher (HCV), and local, non-traditional programs—will be very low-income (50%).

3-II.B. CITIZENSHIP OR ELIGIBLE IMMIGRATION STATUS [24 CFR 5, SUBPART E]

Housing assistance is available only to individuals who are U.S. citizens, U.S. nationals (herein referred to as citizens and nationals), or noncitizens that have eligible immigration status. At least one family member must be a citizen, national, or noncitizen with eligible immigration status in order for the family to qualify for any level of assistance.

All applicant families must be notified of the requirement to submit evidence of their citizenship status when they apply. Where feasible, and in accordance with the PHA's Limited English Proficiency Plan, the notice must be in a language that is understood by the individual if the individual is not proficient in English.

Declaration [24 CFR 5.508]

HUD requires each family member to declare whether the individual is a citizen, a national, or an eligible noncitizen, except those members who elect not to contend that they have eligible immigration status. Those who elect not to contend their status are considered to be ineligible noncitizens. For citizens, nationals and eligible noncitizens the declaration must be signed personally by the head, spouse, cohead, and any other family member 18 or older, and by a parent or guardian for minors. The family must identify in writing any family members who elect not to contend their immigration status (see Ineligible Noncitizens below). No declaration is required for live-in aides, foster children, or foster adults.

U.S. Citizens and Nationals

In general, citizens and nationals are required to submit only a signed declaration as verification of their status, unless the GRHC receives information indicating that an individual's declaration may not be accurate.

Eligible Noncitizens

In addition to providing a signed declaration, those declaring eligible noncitizen status must sign a verification consent form and cooperate with GRHC efforts to verify their immigration status as described in Chapter 7. The documentation required for establishing eligible noncitizen status varies depending upon factors such as the date the person entered the U.S., the conditions under

which eligible immigration status has been granted, the person's age, and the date on which the family began receiving HUD-funded assistance.

Lawful residents of the Marshall Islands, the Federated States of Micronesia, and Palau, together known as the Freely Associated States, or FAS, are eligible for housing assistance under section 141 of the Compacts of Free Association between the U.S. Government and the Governments of the FAS [Public Law 106-504].

Ineligible Noncitizens

Those noncitizens who do not wish to contend their immigration status are required to have their names listed on a noncontending family members listing, signed by the head, spouse, or cohead (regardless of citizenship status), indicating their ineligible immigration status. The GRHC is not required to verify a family member's ineligible status and is not required to report an individual's unlawful presence in the U.S. to the United States Citizenship and Immigration Services (USCIS).

Providing housing assistance to noncitizen students is prohibited [24 CFR 5.522]. This prohibition extends to the noncitizen spouse of a noncitizen student as well as to minor children who accompany or follow to join the noncitizen student. Such prohibition does not extend to the citizen spouse of a noncitizen student or to the children of the citizen spouse and noncitizen student. Such a family is eligible for prorated assistance as a mixed family.

Mixed Families

A family is eligible for assistance as long as at least one member is a citizen, national, or eligible noncitizen. Families that include eligible and ineligible individuals are considered *mixed families*. Such families will be given notice that their assistance will be prorated, and that they may request a hearing if they contest this determination. See Chapter 6 for a discussion of how rents are prorated, and Chapter 16 for a discussion of informal hearing procedures.

Ineligible Families [24 CFR 5.514(d), (e), and (f)]

The GRHC will not provide assistance to a family before the verification of at least one family member [24 CFR 5.512(b)]. Verification of eligibility for this purpose occurs when the individual or family members have submitted documentation to the GRHC in accordance with program requirements [24 CFR 5.512(a)].

When GRHC determines that an applicant family does not include any citizens, nationals, or eligible noncitizens, following the verification process, the family will be sent a written notice within 15 calendar days of the determination.

The notice will explain the reasons for the denial of assistance, that the family may be eligible for proration of assistance, and will advise the family of its right to request an appeal to the United States Citizenship and Immigration Services (USCIS), or to request an informal hearing with the GRHC. The informal hearing with the GRHC may be requested in lieu of the USCIS appeal, or at the conclusion of the USCIS appeal process. The notice must also inform the applicant family that assistance may not be delayed until the conclusion of the USCIS appeal process, but that it may be delayed pending the completion of the informal hearing process (Chapter 16).

Timeframe for Determination of Citizenship Status [24 CFR 5.508(g)]

For new occupants joining the assisted family, the GRHC will verify status at the first interim or regular reexamination following the person's occupancy, whichever comes first.

If an individual qualifies for a time extension for the submission of required documents, the GRHC will grant such an extension for no more than 30 calendar days [24 CFR 5.508(h)].

Each family member is required to submit evidence of eligible status only one time during continuous occupancy.

3-II.C. SOCIAL SECURITY NUMBERS [24 CFR 5.216 AND 5.218, NOTICE PIH 2018-24]

The applicant and all members of the applicant's household must disclose the complete and accurate social security number (SSN) assigned to each household member, and the documentation necessary to verify each SSN. If a child under age 6 has been added to an applicant family within 6 months prior to voucher issuance, an otherwise eligible family may be admitted to the program and must disclose and document the child's SSN within 90 calendar days of the effective date of the initial HAP contract. A detailed discussion of acceptable documentation is provided in Chapter 7.

Note: These requirements do not apply to noncitizens who do not contend eligible immigration status.

In addition, each participant who has not previously disclosed an SSN, has previously disclosed an SSN that HUD or the SSA determined was invalid, or has been issued a new SSN must submit their complete and accurate SSN and the documentation required to verify the SSN at the time of the next interim or annual reexamination or recertification. Participants age 62 or older as of January 31, 2010, whose determination of eligibility was begun before January 31, 2010, are exempt from this requirement and remain exempt even if they move to a new assisted unit.

The GRHC will deny assistance to an applicant family if they do not meet the SSN disclosure and documentation requirements contained in 24 CFR 5.216.

3-II.D. FAMILY CONSENT TO RELEASE OF INFORMATION [24 CFR 5.230; HCV GB, P. 5-13]

HUD requires each adult family member, and the head of household, spouse, or cohead, regardless of age, to sign form HUD-9886, Authorization for the Release of Information/Privacy Act Notice, the form HUD-52675 Debts Owed to Public Housing Agencies and Terminations, and other consent forms as needed to collect information relevant to the family's eligibility and level of assistance. Chapter 7 provides detailed information concerning the consent forms and verification requirements.

The GRHC will deny admission to the program if any member of the applicant family fails to sign and submit the consent forms for obtaining information in accordance with 24 CFR 5, Subparts B and F [24 CFR 982.552(b)(3)].

3-II.E. STUDENTS ENROLLED IN INSTITUTIONS OF HIGHER EDUCATION [24 CFR 5.612, FR NOTICE 4/10/06, FR NOTICE 9/21/16]

Section 327 of Public Law 109-115 and the implementing regulation at 24 CFR 5.612 established new restrictions on the eligibility of certain students (both part- and full-time) who are enrolled in institutions of higher education.

If a student enrolled at an institution of higher education:

- Is under the age of 24,
- Is not a veteran, is not married,
- Does not have a dependent child, and
- Is not a person with disabilities receiving HCV assistance as of November 30, 2005,

the student's eligibility must be examined along with the income eligibility of the student's parents. In these cases, both the student and the student's parents must be income eligible for the student to receive HCV assistance. If, however, a student in these circumstances is determined independent from his/her parents in accordance with GRHC policy, the income of the student's parents will not be considered in determining the student's eligibility.

The new law does not apply to students who reside with parents who are applying to receive HCV assistance. It is limited to students who are seeking assistance on their own, separately from their parents.

Definitions

In determining whether and how the new eligibility restrictions apply to a student, the GRHC will rely on the following definitions [FR Notice 4/10/06, FR Notice 9/21/16].

Dependent Child

In the context of the student eligibility restrictions, *dependent child* means a dependent child of a student enrolled in an institution of higher education. The dependent child must also meet the definition of *dependent* in 24 CFR 5.603, which states that the dependent must be a member of the assisted family, other than the head of household or spouse, who is under 18 years of age, or is a person with a disability, or is a full-time student. Foster children and foster adults are not considered dependents.

Independent Student

The GRHC will consider a student "independent" from his or her parents and the parents' income will not be considered when determining the student's eligibility if the following four criteria are all met:

- The individual is of legal contract age under state law.
- The individual has established a household separate from his/her parents for at least one year prior to application for occupancy or the individual meets the U.S. Department of Education's definition of independent student.
- To be considered an *independent student* according to the Department of Education, a student must meet one or more of the following criteria:

- The individual is at least 24 years old by December 31 of the award year for which aid is sought
- The individual is an orphan, in foster care, or a ward of the court, or was an orphan, in foster care, or ward of the court at any time when the individual was 13 years of age or older
- The individual is, or was immediately prior to attaining the age of majority, an emancipated minor or in legal guardianship as determined by a court of competent jurisdiction in the individual's state of legal residence
- The individual is a veteran of the U.S. Armed Forces or is currently serving on active duty in the Armed Forces for other than training purposes
- The individual is a graduate or professional student
- The individual is married
- The individual has one or more legal dependents other than a spouse (for example, dependent children or an elderly dependent parent)The individual has been verified during the school year in which the application is submitted as either an unaccompanied youth who is a homeless child or youth, or as unaccompanied, at risk of homelessness, and self-supporting by:
 - A local educational agency homeless liaison
 - The director of a program funded under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act or a designee of the director
 - A financial aid administrator
- The individual is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances
- The individual was not claimed as a dependent by his/her parents pursuant to IRS regulations, as demonstrated on the parents' most recent tax forms.
- The individual provides a certification of the amount of financial assistance that will be provided by his/her parents. This certification must be signed by the individual providing the support and must be submitted even if no assistance is being provided.

If the GRHC determines that an individual meets the definition of a *vulnerable youth* such a determination is all that is necessary to determine that the person is an *independent student* for the purposes of using only the student's income for determining eligibility for assistance. The GRHC will verify that a student meets the above criteria in accordance with the policies in Section 7-II.E.

Institution of Higher Education

The GRHC will use the statutory definition under section 102 of the Higher Education Act of 1965 to determine whether a student is attending an *institution of higher education* (see Exhibit 3-2).

Parents

For purposes of student eligibility restrictions, the definition of *parents* includes biological or adoptive parents, stepparents (as long as they are currently married to the biological or adoptive parent), and guardians (e.g., grandparents, aunt/uncle, godparents, etc).

Person with Disabilities

The GRHC will use the statutory definition under section 3(b)(3)(E) of the 1937 Act to determine whether a student is a *person with disabilities* (see Exhibit 3-1).

Veteran

A *veteran* is a person who served in the active military, naval, or air service and who was discharged or released from such service under conditions other than dishonorable.

Vulnerable Youth

A *vulnerable youth* is an individual who meets the U.S. Department of Education's definition of *independent student* in paragraphs (b), (c), or (h), as adopted in Section II of FR Notice 9/21/16:

- The individual is an orphan, in foster care, or a ward of the court, or was an orphan, in foster care, or ward of the court at any time when the individual was 13 years of age or older
- The individual is, or was immediately prior to attaining the age of majority, an emancipated minor or in legal guardianship as determined by a court of competent jurisdiction in the individual's state of legal residence
- The individual has been verified during the school year in which the application is submitted as either an unaccompanied youth who is a homeless child or youth, or as unaccompanied, at risk of homelessness, and self-supporting by:
 - A local educational agency homeless liaison
 - The director of a program funded under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act or a designee of the director
 - A financial aid administrator

Determining Student Eligibility

If a student is applying for assistance on his/her own, apart from his/her parents, the GRHC will determine whether the student is subject to the eligibility restrictions contained in 24 CFR 5.612. If the student is subject to those restrictions, the GRHC will ensure that:

- (1) The student is individually eligible for the program,
- (2) Either the student is independent from his/her parents or the student's parents are income eligible for the program, and
- (3) The "family" with which the student is applying is collectively eligible for the program.

If the GRHC determines that the student, the student's parents (if applicable), or the student's "family" is not eligible, the GRHC will send a notice of denial in accordance with the policies in Section 3-III.F, and the applicant family will have the right to request an informal review in accordance with the policies in Section 16-III.B.

Determining Parental Income Eligibility

For any student who is subject to the 5.612 restrictions and who does not satisfy the definition of *independent student* in this section, the GRHC will determine the income eligibility of the student's parents as follows:

- If the student's parents are married and living together, the GRHC will obtain a joint income declaration and certification of joint income from the parents.
- If the student's parent is widowed or single, the GRHC will obtain an income declaration and certification of income from that parent.
- If the student's parents are divorced or separated, the GRHC will obtain an income declaration and certification of income from each parent.
- If the student has been living with one of his/her parents and has not had contact with or does not know where to contact his/her other parent, the GRHC will require the student to submit a certification under penalty of perjury describing the circumstances and stating that the student does not receive financial assistance from the other parent. The GRHC will then obtain an income declaration and certification of income from the parent with whom the student has been living or had contact.

In determining the income eligibility of the student's parents, the GRHC will use the income limits for the jurisdiction in which the parents live.

3-II.F. EIV SYSTEM SEARCHES [NOTICE PIH 2018-18; EIV FAQs; EIV SYSTEM TRAINING 9/30/20]

Existing Tenant Search

Prior to admission to the program, the GRHC will search for all household members using the EIV Existing Tenant Search module. The GRHC will review the reports for any SSA matches involving another PHA or a multifamily entity and follow up on any issues identified. The GRHC will provide the family with a copy of the Existing Tenant Search results if requested. At no time may any family member receive duplicative assistance.

If the tenant is a new admission to the GRHC, and a match is identified at a multifamily property, the GRHC will contact the PHA or owner identified in the report to confirm that the family has moved out of the unit and obtain documentation of current tenancy status, including a form HUD-50058 or 50059, as applicable, showing an end of participation. The GRHC will only approve assistance contingent upon the move-out from the currently occupied assisted unit.

Debts Owed to PHAs and Terminations

All adult household members must sign the form HUD-52675 Debts Owed to Public Housing and Terminations. The GRHC will search the Debts Owed to PHAs and Terminations module as part of the eligibility determination for new households and as part of the screening process for any household members added after the household is admitted to the program. If any information on debts or terminations is returned by the search, the GRHC will determine if this information warrants a denial in accordance with the policies in Part III of this chapter.

If a current or former tenant disputes the information in the module, the tenant should contact the PHA directly in writing to dispute the information and provide any documentation that supports the dispute. If the PHA determines that the disputed information is incorrect, the PHA will

update or delete the record from EIV. Former tenants may dispute debt and termination information for a period of up to three years from the end of participation date in the program.

Income and IVT Reports

For each new admission, the GRHC is required to review the EIV Income and IVT Reports to confirm and validate family reported income within 120 days of the IMS/PIC submission date of the new admission. The GRHC will print and maintain copies of the EIV Income and IVT reports in the tenant file and resolve any discrepancies with the family within 60 calendar days of the EIV Income or IVT report dates.

PART III: DENIAL OF ASSISTANCE

3-III.A. OVERVIEW

A family that does not meet the eligibility criteria discussed in Parts I and II, must be denied assistance. In this section we will discuss other situations and circumstances in which denial of assistance is mandatory for the GRHC, and those in which denial of assistance is optional for the GRHC.

Forms of Denial [24 CFR 982.552(a)(2); HCV GB, p. 5-35]

Denial of assistance includes any of the following:

- Not placing the family's name on the waiting list
- Denying or withdrawing a voucher
- Not approving a request for tenancy or refusing to enter into a HAP contract
- Refusing to process a request for or to provide assistance under portability procedures

Prohibited Reasons for Denial of Program Assistance [24 CFR 982.202(b), 24 CFR 5.2005(b)]

HUD rules prohibit denial of program assistance to the program based on any of the following criteria:

- Age, disability, race, color, religion, sex, or national origin (See Chapter 2 for additional information about fair housing and equal opportunity requirements.)
- Where a family lives prior to admission to the program
- Where the family will live with assistance under the program. Although eligibility is not affected by where the family will live, there may be restrictions on the family's ability to move outside the GRHC's jurisdiction under portability. (See Chapter 10.)
- Whether members of the family are unwed parents, recipients of public assistance, or children born out of wedlock
- Whether the family includes children
- Whether a family decides to participate in a family self-sufficiency program
- Whether or not a qualified applicant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking if the applicant is otherwise qualified for assistance (See section 3-III.G.)

3-III.B. MANDATORY DENIAL OF ASSISTANCE [24 CFR 982.553(A)]

HUD requires the GRHC to deny assistance in the following cases:

- Any member of the household has been evicted from federally assisted housing in the last three (3) years for drug-related criminal activity. The GRHC may admit an otherwise-eligible family if the household member has completed a verifiable drug rehabilitation program or the person who committed the crime, is no longer living in the household.

- The GRHC determines that any household member is currently engaged in the use of illegal drugs.
- The GRHC has reasonable cause to believe that any household member's current use or pattern of use of illegal drugs, or current abuse or pattern of abuse of alcohol, may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents. In determining reasonable cause, the GRHC will consider all credible evidence, including but not limited to, any record of convictions, or evictions of household members related to the use of illegal drugs or the abuse of alcohol. The GRHC will also consider evidence from treatment providers or community-based organizations providing services to household members.
- Any household member has ever been convicted of drug-related criminal activity for the production or manufacture of methamphetamine on the premises of federally assisted housing
- Any household member is subject to a lifetime registration requirement under a state sex offender registration program

3-III.C. OTHER PERMITTED REASONS FOR DENIAL OF ASSISTANCE

HUD permits, but does not require, the GRHC to deny assistance for the reasons discussed in this section.

Criminal Activity [24 CFR 982.553]

If any household member is currently engaged in, or has engaged in any of the following criminal activities, within the past three years, the family will be denied assistance.

- Drug-related criminal activity, defined by HUD as the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug [24 CFR 5.100].
- Violent criminal activity, defined by HUD as any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage [24 CFR 5.100].
- Criminal activity that may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity;
 - *Immediate vicinity means within a three-block radius of the premises.*
- Criminal activity that may threaten the health or safety of property owners, management staff, and persons performing contract administration functions or other responsibilities on behalf of the GRHC (including a GRHC employee or a GRHC contractor, subcontractor, or agent).

In making its decision to deny assistance, the GRHC will consider the factors discussed in Section 3-III.E. Upon consideration of such factors, the GRHC may, on a case-by-case basis, decide not to deny assistance.

GRHC Criminal Background Policy and Procedure

To treat all applicants equally and fairly, and to uphold Fair Housing principles and ensuring equal access to housing, the Grand Rapids Housing Commission (GRHC) will conduct a limited criminal background screening on all individuals age 18 and older in the family/household composition. Limited criminal background screening will consider:

1. Registered Sex Offender
2. Convicted of manufacturing of methamphetamine.
3. Banned or Barred from GRHC Property
4. Felony or High Misdemeanor criminal convictions related to following offenses within the last three (3) years:
 - a. Property offenses
 - i. Property offenses include theft, burglary, vandalism, arson and other criminal damage to property
 - b. Major drug offenses
 - i. Major drug offenses include drug trafficking and the sale, smuggling, manufacture, or distribution of any controlled substance. This includes unspecified controlled substances. It also includes all 1st or 2nd degree controlled substance offenses. Major drug offenses do not include simple possession of a controlled substance or drug paraphernalia, nor any past conduct that has since been decriminalized.
 - c. Fraud Offenses
 - i. Fraud offenses include identify theft, use of stolen checks, writing bad checks, counterfeiting, and forgery.
 - d. Major violent offenses against persons
 - i. Major violent offenses include assault, battery, and homicide.
 - e. Sex offenses
 - i. Sex offenses include rape, registration as a sexual offender, taking indecent liberties with a minor, pandering, sex trafficking, and sexual battery. Not included are victimless crimes such as prostitution or solicitation.

The GRHC's limited criminal background screening will not consider arrests, charges, expunged convictions, convictions reversed on appeal, vacated convictions, offenses where adjudication was withheld or deferred, pardoned convictions, and sealed juvenile records. It will not treat people differently based on whether the applicant is on probation or parole.

If an applicant is identified as having a felony or high misdemeanor conviction in one of the specified categories of offenses within the three (3) years prior to the application, a written notice will inform the applicant that covered criminal conduct was identified in the limited criminal background screening and will invite the applicant to provide additional information within 15 calendar days for consideration.

The requested information could include for example, Letters from Parole officers, caseworkers, counselors, family members, or community organizations commenting on the applicants response conduct and rehabilitation efforts.

GRHC will consider all applicants equally and render decisions in a fair and consistent manner. The GRHC will consider the following factors:

- The facts or circumstances surrounding the criminal conduct
- The age of the applicant at the time of the occurrence of the criminal offense;
- Evidence of a good tenant or employment history before or after the conviction or conduct;
- Evidence of rehabilitation efforts;
- The time that has elapsed since the occurrence of the conduct;
- Any information about the applicant that indicates good conduct since the offense occurred;
- Whether the conduct/conviction arose from the applicant's status as a survivor of domestic violence, sexual assault, stalking, or dating violence;
- Whether the conduct/conviction arose from an applicant's disability, including mental illness; and
- Any other information related to whether the applicant's specific criminal history creates the potential that the property's current residents, employees, or property will be exposed to a heightened risk of crime.

If an applicant does not provide information for consideration within 15 calendar days of the notice, the GRHC will assess the applicant based on available information obtained during the applicant process including the criminal background. If the GRHC decides to reject an applicant, a denial letter will be sent to the applicant. The applicant will have 15 calendar days to request a review on the GRHC's determination. If no response is received, the applicant will be denied and removed from the waiting list.

Previous Behavior in Assisted Housing [24 CFR 982.552(c)]

HUD authorizes the GRHC to deny assistance based on the family's previous behavior in assisted housing. The GRHC will deny assistance to an applicant family if:

- The family does not provide information that the GRHC or HUD determines is necessary in the administration of the program.
- The family does not provide complete and true information to the GRHC.
- Any family member has been evicted from federally assisted housing in the last three (3) years.
- Any family member has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program.
- The family owes rent or other amounts to any federally assisted property in connection

with Section 8 or other public housing assistance under the 1937 Act, unless the family repays the full amount of the debt prior to being selected from the waiting list.

- If the family has not reimbursed any PHA for amounts the PHA paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease, unless the family repays the full amount of the debt prior to being selected from the waiting list.
- The family has breached the terms of a repayment agreement entered into with the GRHC, unless the family repays the full amount of the debt covered in the repayment agreement prior to being selected from the waiting list.
- A family member has engaged in or threatened violent or abusive behavior toward GRHC personnel.
 - *Abusive or violent behavior towards GRHC* personnel includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior.
 - *Threatening* refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.

In making its decision to deny assistance, the GRHC will consider the factors discussed in Section 3-III.E. Upon consideration of such factors, the GRHC may, on a case-by-case basis, decide not to deny assistance.

3-III.D. SCREENING

Screening for Eligibility

The GRHC is authorized to obtain criminal conviction records from law enforcement agencies/third-party entity to screen applicants for admission to the HCV program. This authority assists the GRHC in complying with HUD requirements and GRHC policies to deny assistance to applicants who are engaging in or have engaged in certain criminal activities. In order to obtain access to the records the GRHC will require every applicant family to submit a consent form signed by each adult household member [24 CFR 5.903].

While the GRHC has regulatory authority to use criminal conviction records for the purpose of applicant screening for admission, there is no corresponding authority to use these records to check for criminal and illegal drug activity by program participants, and therefore, the GRHC will not use records for this purpose.

The GRHC is required to perform criminal background checks necessary to determine whether any household member is subject to a lifetime registration requirement under a state sex offender program in the state where the housing is located, as well as in any other state where a household member is known to have resided [24 CFR 982.553(a)(2)(i)]. The GRHC will use the Dru Sjodin National Sex Offender database to screen applicants for admission.

Additionally, the GRHC will ask whether the applicant, or any member of the applicant's household, is subject to a lifetime registered sex offender registration requirement in any state [Notice PIH 2012-28].

If the GRHC proposes to deny assistance based on a criminal record or on lifetime sex offender registration information, the GRHC will notify the household of the proposed action and must provide the subject of the record and the applicant a copy of the record and an opportunity to dispute the accuracy and relevance of the information prior to a denial of admission. [24 CFR 5.903(f) and 5.905(d)].

Screening for Suitability as a Tenant [24 CFR 982.307]

The GRHC has no liability or responsibility to the owner for the family's behavior or suitability for tenancy. The owner is responsible for screening and selection of the family to occupy the owner's unit. The GRHC will inform the owner that screening and selection for tenancy is the responsibility of the owner. An owner may consider a family's history with respect to factors such as: payment of rent and utilities, caring for a unit and premises, respecting the rights of other residents to the peaceful enjoyment of their housing, criminal activity that is a threat to the health, safety or property of others, and compliance with other essential conditions of tenancy. The GRHC will not provide any additional information to the owner, such as tenancy history or criminal history, etc.

HUD requires the GRHC to provide prospective owners with the family's current and prior address (as shown in GRHC records) and the name and address (if known) of the owner at the family's current and prior addresses.

The GRHC will not disclose to the owner any confidential information provided to the GRHC by the family in response to a GRHC request for documentation of domestic violence, dating violence, sexual assault, or stalking except at the written request or with the written consent of the individual providing the documentation [24 CFR 5.2007(a)(4)].

3-III.E. CRITERIA FOR DECIDING TO DENY ASSISTANCE

Evidence [24 CFR 982.553(c)]

The GRHC will use the concept of the preponderance of the evidence as the standard for making all admission decisions.

Preponderance of the evidence is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

Consideration of Circumstances [24 CFR 982.552(c)(2)]

The GRHC will consider the following facts and circumstances prior to making its decision:

- The seriousness of the case, especially with respect to how it would affect other residents' safety or property
- The effects that denial of assistance may have on other members of the family who were not involved in the action or failure to act
- The extent of participation or culpability of individual family members, including whether the culpable family member is a minor or a person with disabilities, or (as discussed further

in section 3-III.G) a victim of domestic violence, dating violence, sexual assault, or stalking

- The length of time since the violation occurred, including the age of the individual at the time of the conduct, as well as the family's recent history and the likelihood of favorable conduct in the future
- Any statements made by witnesses or the applicant not included in the police report
- Evidence of criminal conduct will be considered if it indicates a demonstrable risk to safety and/or property
- In the case of drug or alcohol abuse, whether the culpable household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program or has otherwise been rehabilitated successfully
- The GRHC will require the applicant to submit evidence of the household member's current participation in or successful completion of a supervised drug or alcohol rehabilitation program, or evidence of otherwise having been rehabilitated successfully.

Removal of a Family Member's Name from the Application

Should the GRHC's screening process reveal that an applicant's household includes an individual subject to state lifetime registered sex offender registration, the GRHC will offer the family the opportunity to remove the ineligible family member from the household. In such instances, the head of household must certify that the family member will not be permitted to reside in the assisted unit. After admission to the program, the family must present evidence of the former family member's current address upon GRHC request. If the family is unwilling to remove that individual from the household, the GRHC will deny admission to the family [Notice PIH 2012-28].

For other criminal activity, the GRHC will permit the family to exclude the culpable family members as a condition of eligibility. [24 CFR 982.552(c)(2)(ii)].

Reasonable Accommodation [24 CFR 982.552(c)(2)(iv)]

If the family indicates that the behavior of a family member with a disability is the reason for the proposed denial of assistance, the GRHC will determine whether the behavior is related to the stated disability. If so, upon the family's request, the GRHC will determine whether admitting the family as a reasonable accommodation is appropriate. The GRHC will only consider accommodations that can reasonably be expected to address the behavior that is the basis of the proposed denial of assistance. See Chapter 2 for a discussion of reasonable accommodation (24 CFR Part 8).

3-III.F. NOTICE OF ELIGIBILITY OR DENIAL

If the family is eligible for assistance, the GRHC will notify the family in writing and schedule a tenant briefing, as discussed in Chapter 5.

If the GRHC determines that a family is not eligible for the program for any reason, the family will be notified promptly. The notice will describe: (1) the reasons for which assistance has been denied, (2) the family's right to an informal review, and (3) the process for obtaining the informal review [24 CFR 982.554 (a)]. See Chapter 16, for informal review policies and

procedures. The family will be notified of a decision to deny assistance in writing within 15 calendar days of the determination.

If the GRHC uses a criminal record or sex offender registration information obtained under 24 CFR 5, Subpart J, as the basis of a denial, a copy of the record must precede the notice to deny, with an opportunity for the applicant to dispute the accuracy and relevance of the information before the GRHC can move to deny the application. In addition, a copy of the record must be provided to the subject of the record [24 CFR 5.903(f) and 5.905(d)]. The GRHC will give the family an opportunity to dispute the accuracy and relevance of that record, in the informal review process in accordance with program requirements [24 CFR 982.553(d)]. The family will be given 15 calendar days to dispute the accuracy and relevance of the information. If the family does not contact the GRHC to dispute the information within that 15-day period, GRHC will proceed with issuing the notice of denial of admission. A family that does not exercise their right to dispute the accuracy of the information prior to issuance of the official denial letter will still be given the opportunity to do so as part of the informal review process.

Notice requirements related to denying assistance to noncitizens are contained in Section 3-II.B.

Notice policies related to denying admission to applicants who may be victims of domestic violence, dating violence, sexual assault or stalking are contained in Section 3-III.G.

3-III.G. PROHIBITION AGAINST DENIAL OF ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

The Violence against Women Act of 2013 (VAWA) and the HUD regulation at 24 CFR 5.2005(b) prohibit the GRHC from denying an applicant admission to the HCV program on the basis or as a direct result of the fact that the applicant is or has been a victim of domestic violence, dating violence, sexual assault or stalking, if the applicant otherwise qualifies for assistance or admission.

Definitions of key terms used in VAWA are provided in section 16-IX of this plan, where general VAWA requirements and policies pertaining to notification, documentation, and confidentiality are also located.

Notification

The GRHC acknowledges that a victim of domestic violence, dating violence, sexual assault, or stalking may have an unfavorable history (e.g., a poor credit history, poor rental history, a record of previous damage to an apartment, a prior arrest record) due to adverse factors that would warrant denial under the GRHC's policies.

While the GRHC is not required to identify whether adverse factors that resulted in the applicant's denial are a result of domestic violence, dating violence, sexual assault, or stalking, the applicant may inform GRHC that their status as a victim is directly related to the grounds for the denial. The GRHC will request that the applicant provide enough information to the GRHC to allow the GRHC to make an objectively reasonable determination, based on all circumstances, whether the adverse factor is a direct result of their status as a victim.

The GRHC will include in its notice of denial the VAWA information described in section 16-IX.C of this plan as well as including a copy of the form HUD-5382. The PHA will request in writing that an applicant wishing to claim protection under VAWA notify the PHA within 15 calendar days.

Documentation

Victim Documentation [24 CFR 5.2007]

If an applicant claims they are a victim of domestic violence, dating violence, sexual assault or stalking and are requesting protection against denial of assistance through VAWA, the GRHC will request in writing that the applicant provide documentation supporting the claim in accordance with section 16-IX.D of this plan.

Perpetrator Documentation

If the perpetrator of the abuse is a member of the applicant family, the applicant must provide additional documentation consisting of one of the following:

- A signed statement (1) requesting that the perpetrator be removed from the application and (2) certifying that the perpetrator will not be permitted to visit or to stay as a guest in the assisted unit
- Documentation that the perpetrator has successfully completed, or is successfully undergoing, rehabilitation or treatment. The documentation must be signed by an employee or agent of a domestic violence service provider or by a medical or other knowledgeable professional from whom the perpetrator has sought or is receiving assistance in addressing the abuse. The signer must attest under penalty of perjury to his or her belief that the rehabilitation was successfully completed or is progressing successfully. The victim and perpetrator must also sign or attest to the documentation.

EXHIBIT 3-1: DETAILED DEFINITIONS RELATED TO DISABILITIES

Person with Disabilities [24 CFR 5.403]

The term *person with disabilities* means a person who has any of the following types of conditions:

Has a disability, as defined in 42 U.S.C. Section 423(d)(1)(A), which reads:

Inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months; *or*

In the case of an individual who has attained the age of 55 and is blind (within the meaning of “blindness” as defined in section 416(i)(1) of this title), inability by reason of such blindness to engage in substantial gainful activity, requiring skills or ability comparable to those of any gainful activity in which he has previously engaged with some regularity and over a substantial period of time.

Has a developmental disability as defined in the Developmental Disabilities Assistance and Bill of Rights Act of 2000 [42 U.S.C.15002(8)], which defines developmental disability in functional terms as follows:

(A) In General

The term “developmental disability” means a severe, chronic disability of an individual that:

- (i) is attributable to a mental or physical impairment or combination of mental and physical impairments;
- (ii) is manifested before the individual attains age 22;
- (iii) is likely to continue indefinitely;
- (iv) results in substantial functional limitations in 3 or more of the following areas of major life activity: (I) Self-care, (II) Receptive and expressive language, (III) Learning, (IV) Mobility, (V) Self-direction, (VI) Capacity for independent living, (VII) Economic self-sufficiency; and
- (v) reflects the individual’s need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.

(B) Infants and Young Children

An individual from birth to age 9, inclusive, who has a substantial developmental delay or specific congenital or acquired condition, may be considered to have a developmental disability without meeting 3 or more of the criteria described in clauses (i) through (v) of subparagraph (A) if the individual, without services and supports, has a high probability of meeting those criteria later in life.

Has a physical, mental, or emotional impairment that is expected to be of long-continued and indefinite duration; substantially impedes his or her ability to live independently, and is of such a nature that the ability to live independently could be improved by more suitable housing conditions.

People with the acquired immunodeficiency syndrome (AIDS) or any conditions arising from the etiologic agent for AIDS are not excluded from this definition.

A person whose disability is based solely on any drug or alcohol dependence does not qualify as a person with disabilities for the purposes of this program.

For purposes of reasonable accommodation and program accessibility for persons with disabilities, the term person with disabilities refers to an individual with handicaps.

Individual with Handicaps [24 CFR 8.3]

Individual with handicaps means any person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such an impairment; or is regarded as having such an impairment. The term does not include any individual who is an alcoholic or drug abuser whose current use of alcohol or drugs prevents the individual from participating in the program or activity in question, or whose participation, by reason of such current alcohol or drug abuse, would constitute a direct threat to property or the safety of others. As used in this definition, the phrase:

(1) Physical or mental impairment includes:

- (a) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or
- (b) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term physical or mental impairment includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction and alcoholism.

(2) *Major life activities* means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

(3) Has a record of such an impairment means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

(4) *Is regarded as having an impairment* means:

- (a) Has a physical or mental impairment that does not substantially limit one or more major life activities but that is treated by a recipient as constituting such a limitation;
- (b) Has a physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of others toward such impairment; or
- (c) Has none of the impairments defined in paragraph (1) of this section but is treated by a recipient as having such an impairment.

| |
|---|
| <p style="text-align: center;">EXHIBIT 3-2: DEFINITION OF INSTITUTION OF HIGHER EDUCATION [20 U.S.C. 1001 and 1002]</p> |
|---|

Eligibility of Students for Assisted Housing Under Section 8 of the U.S. Housing Act of 1937; Supplementary Guidance; Notice [Federal Register, April 10, 2006]

Institution of Higher Education shall have the meaning given this term in the Higher Education Act of 1965 in 20 U.S.C. 1001 and 1002.

Definition of “Institution of Higher Education” From 20 U.S.C. 1001

- (a) Institution of higher education. For purposes of this chapter, other than subchapter IV and part C of subchapter I of chapter 34 of Title 42, the term “institution of higher education” means an educational institution in any State that
 - (1) Admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate;
 - (2) Is legally authorized within such State to provide a program of education beyond secondary education;
 - (3) Provides an educational program for which the institution awards a bachelor’s degree or provides not less than a 2-year program that is acceptable for full credit toward such a degree;
 - (4) Is a public or other nonprofit institution; and
 - (5) Is accredited by a nationally recognized accrediting agency or association, or if not so accredited, is an institution that has been granted preaccreditation status by such an agency or association that has been recognized by the Secretary for the granting of preaccreditation status, and the Secretary has determined that there is satisfactory assurance that the institution will meet the accreditation standards of such an agency or association within a reasonable time.
- (b) Additional institutions included. For purposes of this chapter, other than subchapter IV and part C of subchapter I of chapter 34 of Title 42, the term “institution of higher education” also includes—
 - (1) Any school that provides not less than a 1-year program of training to prepare students for gainful employment in a recognized occupation and that meets the provision of paragraphs (1), (2), (4), and (5) of subsection (a) of this section; and
 - (2) A public or nonprofit private educational institution in any State that, in lieu of the requirement in subsection (a)(1) of this section, admits as regular students persons who are beyond the age of compulsory school attendance in the State in which the institution is located.
- (c) List of accrediting agencies. For purposes of this section and section 1002 of this title, the Secretary shall publish a list of nationally recognized accrediting agencies or associations that the Secretary determines, pursuant to subpart 2 of part G of subchapter IV of this chapter, to be reliable authority as to the quality of the education or training offered.

Definition of “Institution of Higher Education” From 20 U.S.C. 1002

- (a) Definition of institution of higher education for purposes of student assistance programs

(1) Inclusion of additional institutions. Subject to paragraphs (2) through (4) of this subsection, the term “institution of higher education” for purposes of subchapter IV of this chapter and part C of subchapter I of chapter 34 of title 42 includes, in addition to the institutions covered by the definition in section 1001 of this title—

(A) A proprietary institution of higher education (as defined in subsection (b) of this section);

(B) A postsecondary vocational institution (as defined in subsection (c) of this section); and

(C) Only for the purposes of part B of subchapter IV of this chapter, an institution outside the United States that is comparable to an institution of higher education as defined in section 1001 of this title and that has been approved by the Secretary for the purpose of part B of subchapter IV of this chapter.

(2) Institutions outside the United States

(A) In general. For the purpose of qualifying as an institution under paragraph (1)(C), the Secretary shall establish criteria by regulation for the approval of institutions outside the United States and for the determination that such institutions are comparable to an institution of higher education as defined in section 1001 of this title (except that a graduate medical school, or a veterinary school, located outside the United States shall not be required to meet the requirements of section 1001 (a)(4) of this title). Such criteria shall include a requirement that a student attending such school outside the United States is ineligible for loans made, insured, or guaranteed under part B of subchapter IV of this chapter unless—

(i) In the case of a graduate medical school located outside the United States—

(I)(aa) At least 60 percent of those enrolled in, and at least 60 percent of the graduates of, the graduate medical school outside the United States were not persons described in section 1091(a)(5) of this title in the year preceding the year for which a student is seeking a loan under part B of subchapter IV of this chapter; and

(bb) At least 60 percent of the individuals who were students or graduates of the graduate medical school outside the United States or Canada (both nationals of the United States and others) taking the examinations administered by the Educational Commission for Foreign Medical Graduates received a passing score in the year preceding the year for which a student is seeking a loan under part B of subchapter IV of this chapter; or

(II) The institution has a clinical training program that was approved by a State as of January 1, 1992; or

(ii) In the case of a veterinary school located outside the United States that does not meet the requirements of section 1001(a)(4) of this title, the institution’s students complete their clinical training at an approved veterinary school located in the United States.

(B) Advisory panel

- (i) In general. For the purpose of qualifying as an institution under paragraph (1)(C) of this subsection, the Secretary shall establish an advisory panel of medical experts that shall—
 - (I) Evaluate the standards of accreditation applied to applicant foreign medical schools; and
 - (II) Determine the comparability of those standards to standards for accreditation applied to United States medical schools.
 - (ii) Special rule if the accreditation standards described in clause (i) are determined not to be comparable, the foreign medical school shall be required to meet the requirements of section 1001 of this title.
- (C) Failure to release information. The failure of an institution outside the United States to provide, release, or authorize release to the Secretary of such information as may be required by subparagraph (A) shall render such institution ineligible for the purpose of part B of subchapter IV of this chapter.
- (D) Special rule. If, pursuant to this paragraph, an institution loses eligibility to participate in the programs under subchapter IV of this chapter and part C of subchapter I of chapter 34 of title 42, then a student enrolled at such institution may, notwithstanding such loss of eligibility, continue to be eligible to receive a loan under part B while attending such institution for the academic year succeeding the academic year in which such loss of eligibility occurred.
- (3) Limitations based on course of study or enrollment. An institution shall not be considered to meet the definition of an institution of higher education in paragraph (1) if such institution—
- (A) Offers more than 50 percent of such institution's courses by correspondence, unless the institution is an institution that meets the definition in section 2471 (4)(C) of this title;
 - (B) Enrolls 50 percent or more of the institution's students in correspondence courses, unless the institution is an institution that meets the definition in such section, except that the Secretary, at the request of such institution, may waive the applicability of this subparagraph to such institution for good cause, as determined by the Secretary in the case of an institution of higher education that provides a 2-or 4-year program of instruction (or both) for which the institution awards an associate or baccalaureate degree, respectively;
 - (C) Has a student enrollment in which more than 25 percent of the students are incarcerated, except that the Secretary may waive the limitation contained in this subparagraph for a nonprofit institution that provides a 2-or 4-year program of instruction (or both) for which the institution awards a bachelor's degree, or an associate's degree or a postsecondary diploma, respectively; or
 - (D) Has a student enrollment in which more than 50 percent of the students do not have a secondary school diploma or its recognized equivalent, and does not provide a 2-or 4-year program of instruction (or both) for which the institution awards a bachelor's degree or an associate's degree, respectively, except that the Secretary may waive the

limitation contained in this subparagraph if a nonprofit institution demonstrates to the satisfaction of the Secretary that the institution exceeds such limitation because the institution serves, through contracts with Federal, State, or local government agencies, significant numbers of students who do not have a secondary school diploma or its recognized equivalent.

- (4) Limitations based on management. An institution shall not be considered to meet the definition of an institution of higher education in paragraph (1) if—
 - (A) The institution, or an affiliate of the institution that has the power, by contract or ownership interest, to direct or cause the direction of the management or policies of the institution, has filed for bankruptcy, except that this paragraph shall not apply to a nonprofit institution, the primary function of which is to provide health care educational services (or an affiliate of such an institution that has the power, by contract or ownership interest, to direct or cause the direction of the institution's management or policies) that files for bankruptcy under chapter 11 of title 11 between July 1, 1998, and December 1, 1998; or
 - (B) The institution, the institution's owner, or the institution's chief executive officer has been convicted of, or has pled nolo contendere or guilty to, a crime involving the acquisition, use, or expenditure of funds under subchapter IV of this chapter and part C of subchapter I of chapter 34 of title 42, or has been judicially determined to have committed fraud involving funds under subchapter IV of this chapter and part C of subchapter I of chapter 34 of title 42.
- (5) Certification. The Secretary shall certify an institution's qualification as an institution of higher education in accordance with the requirements of subpart 3 of part G of subchapter IV of this chapter.
- (6) Loss of eligibility. An institution of higher education shall not be considered to meet the definition of an institution of higher education in paragraph (1) if such institution is removed from eligibility for funds under subchapter IV of this chapter and part C of subchapter I of chapter 34 of title 42 as a result of an action pursuant to part G of subchapter IV of this chapter.

(b) Proprietary institution of higher education

- (1) Principal criteria. For the purpose of this section, the term “proprietary institution of higher education” means a school that—
 - (A) Provides an eligible program of training to prepare students for gainful employment in a recognized occupation;
 - (B) Meets the requirements of paragraphs (1) and (2) of section 1001 (a) of this title;
 - (C) Does not meet the requirement of paragraph (4) of section 1001 (a) of this title;
 - (D) Is accredited by a nationally recognized accrediting agency or association recognized by the Secretary pursuant to part G of subchapter IV of this chapter;
 - (E) Has been in existence for at least 2 years; and
 - (F) Has at least 10 percent of the school's revenues from sources that are not derived from funds provided under subchapter IV of this chapter and part C of subchapter I of

chapter 34 of title 42, as determined in accordance with regulations prescribed by the Secretary.

- (2) Additional institutions. The term “proprietary institution of higher education” also includes a proprietary educational institution in any State that, in lieu of the requirement in paragraph (1) of section 1001 (a) of this title, admits as regular students persons who are beyond the age of compulsory school attendance in the State in which the institution is located.

(c) Postsecondary vocational institution.

- (1) Principal criteria. For the purpose of this section, the term “postsecondary vocational institution” means a school that—

- (A) Provides an eligible program of training to prepare students for gainful employment in a recognized occupation;
- (B) Meets the requirements of paragraphs (1), (2), (4), and (5) of section 1001 (a) of this title; and
- (C) Has been in existence for at least 2 years.

- (2) Additional institutions. The term “postsecondary vocational institution” also includes an educational institution in any State that, in lieu of the requirement in paragraph (1) of section 1001 (a) of this title, admits as regular students persons who are beyond the age of compulsory school attendance in the State in which the institution is located.

Chapter 4

APPLICATIONS, WAITING LIST AND TENANT SELECTION

| | |
|---|----|
| INTRODUCTION | 2 |
| PART I: THE APPLICATION PROCESS..... | 3 |
| 4-I.A. OVERVIEW..... | 3 |
| 4-I.B. APPLYING FOR ASSISTANCE | 3 |
| 4-I.C. ACCESSIBILITY OF THE APPLICATION PROCESS | 4 |
| 4-I.D. PLACEMENT ON THE WAITING LIST | 4 |
| PART II: MANAGING THE WAITING LIST..... | 5 |
| 4-II.A. OVERVIEW | 5 |
| 4-II.B. ORGANIZATION OF THE WAITING LIST..... | 5 |
| 4-II.C. OPENING AND CLOSING THE WAITING LIST..... | 5 |
| 4-II.D. FAMILY OUTREACH..... | 6 |
| 4-II.E. REPORTING CHANGES IN FAMILY CIRCUMSTANCES..... | 7 |
| 4-II.F. UPDATING THE WAITING LIST | 7 |
| PART III: SELECTION FOR HCV ASSISTANCE | 9 |
| 4-III.A. OVERVIEW | 9 |
| 4-III.B. SELECTION AND HCV FUNDING SOURCES..... | 9 |
| 4-III.C. SELECTION METHOD..... | 9 |
| 4-III.D. NOTIFICATION OF SELECTION [24 CFR 982.554(a)]..... | 11 |
| 4-III.E. THE APPLICATION INTERVIEW..... | 11 |
| 4-III.F. COMPLETING THE APPLICATION PROCESS | 12 |

INTRODUCTION

When a family wishes to receive assistance under the HCV program, the family must submit an application that provides the GRHC with the information needed to determine the family's eligibility. HUD requires the GRHC to place all families that apply for assistance on a waiting list. When HCV assistance becomes available, the GRHC will select families from the waiting list in accordance with HUD requirements and GRHC policies as stated in the administrative plan and the annual plan.

The GRHC is required to adopt clear policies and procedures for accepting applications, placing families on the waiting list, and selecting families from the waiting list, and must follow these policies and procedures consistently. The actual order in which families are selected from the waiting list can be affected if a family has certain characteristics designated by HUD or the GRHC that justify their selection. Examples of this are the selection of families for income targeting and the selection of families that qualify for targeted funding.

HUD regulations require that all families have an equal opportunity to apply for and receive housing assistance, and that the GRHC affirmatively further fair housing goals in the administration of the program [24 CFR 982.53, HCV GB p. 4-1]. Adherence to the selection policies described in this chapter ensures that the GRHC will be in compliance with all relevant fair housing requirements, as described in Chapter 2.

This chapter describes HUD and GRHC policies for taking applications, managing the waiting list and selecting families for HCV assistance. The policies outlined in this chapter are organized into three sections, as follows:

Part I: The Application Process. This part provides an overview of the application process, and discusses how applicants can obtain and submit applications. It also specifies how the GRHC will handle the applications it receives.

Part II: Managing the Waiting List. This part presents the policies that govern how the GRHC's waiting list is structured, when it is opened and closed, and how the public is notified of the opportunity to apply for assistance. It also discusses the process the GRHC will use to keep the waiting list current.

Part III: Selection for HCV Assistance. This part describes the policies that guide the GRHC in selecting families for HCV assistance as such assistance becomes available. It also specifies how in-person interviews will be used to ensure that the GRHC has the information needed to make a final eligibility determination.

PART I: THE APPLICATION PROCESS

4-I.A. OVERVIEW

This part describes the GRHC policies for making applications available, accepting applications making preliminary determinations of eligibility, and the placement of applicants on the waiting list. This part also describes the GRHC's obligation to ensure the accessibility of the application process to elderly persons, people with disabilities, and people with limited English proficiency (LEP).

4-I.B. APPLYING FOR ASSISTANCE [HCV GB, pp. 4-11 – 4-16, Notice PIH 2009-36]

Any family that wishes to receive HCV assistance must apply for admission to the program. The GRHC will include Form HUD-92006, Supplement to Application for Federally Assisted Housing, as part of the GRHC's application.

Depending upon the length of time that applicants may need to wait to receive assistance, GRHC may use a one- or two-step application process.

A one-step process will be used when it is expected that a family will be selected from the waiting list within 60 calendar days of the date of application. At application, the family must provide all the information necessary to establish family eligibility and level of assistance.

A two-step process will be used when it is expected that a family will not be selected from the waiting list for at least 60 calendar days from the date of application. Under the two-step application process, GRHC initially will require families to provide only the information needed to make an initial assessment of the family's eligibility, and to determine the family's placement on the waiting list. The family will be required to provide all of the information necessary to establish family eligibility and level of assistance when the family is selected from the waiting list.

Families may submit application on-line, via GRHC's web-based Applicant Portal. As a reasonable accommodation to applicants with disability, GRHC will accept applications via telephone or in person during normal business hours. Project Based and RAD projects are addressed in Chapter(s) 17 and 18.

Applications must be complete in order to be accepted by GRHC for processing. If an application is incomplete, GRHC will notify the family of the additional information required.

4-I.C. ACCESSIBILITY OF THE APPLICATION PROCESS

Elderly and Disabled Populations [24 CFR 8 and HCV GB, pp. 4-11 – 4-13]

The GRHC will take steps to ensure that the application process is accessible to those people who might have difficulty complying with the normal, standard GRHC application process. This could include people with disabilities, certain elderly individuals, as well as persons with limited English proficiency (LEP). The GRHC will provide reasonable accommodation to the needs of individuals with disabilities. The application-taking facility and the application process must be fully accessible, or the GRHC will provide an alternate approach that provides full access to the application process. Chapter 2 provides a full discussion of the GRHC's policies related to providing reasonable accommodations for people with disabilities.

Limited English Proficiency

The GRHC is required to take reasonable steps to ensure equal access to their programs and activities by persons with limited English proficiency [24 CFR 1]. Chapter 2 provides a full discussion on the GRHC's policies related to ensuring access to people with limited English proficiency (LEP).

4-I.D. PLACEMENT ON THE WAITING LIST

The GRHC will review each complete application received and make a preliminary assessment of the family's eligibility. The GRHC will accept applications from families for whom the list is open unless there is good cause for not accepting the application (such as denial of assistance) for the grounds stated in the regulations [24 CFR 982.206(b)(2)]. Where the family is determined to be ineligible, the GRHC will notify the family in writing [24 CFR 982.201(f)]. Where the family is determined to be eligible, the family will be placed on a waiting list of applicants. No applicant has a right or entitlement to be listed on the waiting list, or to any particular position on the waiting list [24 CFR 982.202(c)].

Ineligible for Placement on the Waiting List

If the GRHC can determine from the information provided that a family is ineligible, the family will not be placed on the waiting list. Where a family is determined to be ineligible, the GRHC will send written notification of the ineligibility determination within 15 calendar days of receiving a complete application. The notice will specify the reasons for ineligibility and will inform the family of its right to request an informal review and explain the process for doing so (see Chapter 16).

Eligible for Placement on the Waiting List

The GRHC will send written notification of the preliminary eligibility determination within 15 calendar days of receiving a complete application.

Placement on the waiting list does not indicate that the family is, in fact, eligible for assistance. A final determination of eligibility will be made when the family is selected from the waiting list.

Applicants will be placed on the waiting list according to any preference(s) for which they qualify, and the date and time their complete application is received by GRHC.

PART II: MANAGING THE WAITING LIST

4-II.A. OVERVIEW

The GRHC has policies regarding various aspects of organizing and managing the waiting list of applicant families. This includes opening the list to new applicants, closing the list to new applicants, notifying the public of waiting list openings and closings, updating waiting list information, purging the list of families that are no longer interested in or eligible for assistance, as well as conducting outreach to ensure a sufficient number of applicants.

4-II.B. ORGANIZATION OF THE WAITING LIST [24 CFR 982.204 and 205]

The GRHC's HCV waiting list must be organized in such a manner to allow the GRHC to accurately identify and select families for assistance in the proper order, according to the admissions policies described in this plan.

The waiting list must contain the following information for each applicant listed:

- Applicant name;
- Family unit size;
- Date and time of application;
- Qualification for any local preference;
- Racial or ethnic designation of the head of household.

HUD requires the GRHC to maintain a single waiting list for the HCV program unless it serves more than one county or municipality. The GRHC will not merge the HCV waiting list with the waiting list for any other program the GRHC operates.

HUD directs that a family that applies for assistance from the HCV program may apply to be placed on the waiting list for any public housing, project-based voucher or moderate rehabilitation program the GRHC operates if 1) the other programs' waiting lists are open, and 2) the family is qualified for the other programs.

A family's decision to apply for, receive, or refuse other housing assistance must not affect the family's placement on the HCV waiting list, or any preferences for which the family may qualify. If a family is housed in a PBV unit, the family will be removed from the HCV waiting list due to the choice mobility option offered to PBV unit residents, see chapter 17 for more information.

4-II.C. OPENING AND CLOSING THE WAITING LIST [24 CFR 982.206]

Closing the Waiting List

GRHC will close the waiting list when the estimated waiting period for housing assistance for applicants on the list reaches 24 months for the most current applicants. Where the PHA has particular preferences or funding criteria that require a specific category of family, GRHC may elect to continue to accept applications from these applicants while closing the waiting list to others.

Reopening the Waiting List

GRHC will announce the reopening of the waiting list at least 15 calendar days prior to the date applications will first be accepted. If the list is only being reopened for certain categories of families, this information will be contained in the notice.

GRHC will give public notice by publishing the relevant information in suitable media outlets including, but not limited to:

- *The Grand Rapids Press*
- *The Grand Rapids Times*
- *Website*

4-II.D. FAMILY OUTREACH [HCV GB, pp. 4-2 to 4-4]

The GRHC will conduct outreach as necessary to ensure that the GRHC has a sufficient number of applicants on the waiting list to use the HCV resources it has been allotted.

Because HUD requires the GRHC to admit a specified percentage of extremely low-income families to the program (see Chapter 4, Part III), the GRHC may need to conduct special outreach to ensure that an adequate number of such families apply for assistance [HCV GB, p. 4-20 to 4-21].

The GRHC outreach efforts will comply with fair housing requirements. This includes:

- Analyzing the housing market area and the populations currently being served to identify underserved populations
- Ensuring that outreach efforts are targeted to media outlets that reach eligible populations that are underrepresented in the program
- Avoiding outreach efforts that prefer or exclude people who are members of a protected class

The GRHC outreach efforts will be designed to inform qualified families about the availability of assistance under the program. These efforts may include, as needed, any of the following activities:

- Submitting press releases to local newspapers, including minority newspapers
- Developing informational materials and flyers to distribute to other agencies
- Providing application forms to other public and private agencies that serve the low income population
- Developing partnerships with other organizations that serve similar populations, including agencies that provide services for persons with disabilities

4-II.E. REPORTING CHANGES IN FAMILY CIRCUMSTANCES

While the family is on the waiting list, the family must immediately inform GRHC of changes in contact information, including current residence, mailing address, and phone number. The changes must be submitted in writing or through the online applicant portal.

4-II.F. UPDATING THE WAITING LIST [24 CFR 982.204]

Purging the Waiting List

The decision to withdraw an applicant family that includes a person with disabilities from the waiting list is subject to reasonable accommodation. If the applicant did not respond to the GRHC request for information or updates, and the GRHC determines that the family did not respond because of the family member's disability, the GRHC will reinstate the applicant family to their former position on the waiting list [24 CFR 982.204(c)(2)].

The waiting list will be updated bi-annually to ensure that all applicants and applicant information is current and timely.

To update the waiting list, GRHC will send an update request via email and/or mail to each family on the waiting list to determine whether the family continues to be interested in, and to qualify for, the program. This update request will be sent to the last address that GRHC has on record for the family. The update request will provide a deadline by which the family must respond and will state that failure to respond will result in the applicant's name being removed from the waiting list.

The family's response must be in writing and may be delivered in person, by mail, by email, or by fax. Responses should be postmarked or received by GRHC no later than 21 calendar days from the date of the GRHC letter. If the family fails to respond within 21 calendar days, the family will be removed from the waiting list without further notice.

If the notice is returned by the post office with no forwarding address, the applicant will be removed from the waiting list without further notice. If the notice is returned by the post office with a forwarding address, the notice will be re-sent to the address indicated. The family will have 21 calendar days to respond from the date the letter was re-sent.

If a family is removed from the waiting list for failure to respond, GRHC may reinstate the family if it is determined that the lack of response was due to GRHC error, or to circumstances beyond the family's control.

Removal from the Waiting List

If at any time an applicant family is on the waiting list, GRHC determines that the family is not eligible for assistance (see Chapter 3), the family will be removed from the waiting list.

If a family is removed from the waiting list because GRHC has determined the family is not eligible for assistance, a notice will be sent to the family's address of record as well as to any alternate address provided on the initial application. The notice will state the reasons the family was removed from the waiting list and will inform the family how to request an informal review regarding the GRHC's decision (see Chapter 16) [24 CFR 982.201(f)].

PART III: SELECTION FOR HCV ASSISTANCE

4-III.A. OVERVIEW

As vouchers become available, families on the waiting list will be selected for assistance in accordance with the policies described in this part.

The GRHC will maintain a clear record of all information required to verify that the family is selected from the waiting list according to the GRHC's selection policies [24 CFR 982.204(b) and 982.207(e)].

4-III.B. SELECTION AND HCV FUNDING SOURCES

Special Admissions [24 CFR 982.203]

HUD may award funding for specifically-named families living in specified types of units (e.g., a family that is displaced by demolition of public housing; a non-purchasing family residing in a HOPE 1 or 2 projects). In these cases, the GRHC will admit such families whether they are on the waiting list, and, if they are on the waiting list, without considering the family's position on the waiting list. These families are considered non-waiting list selections. The GRHC will maintain records showing that such families were admitted with special program funding.

Targeted Funding [24 CFR 982.204(e)]

HUD may award the GRHC funding for a specified category of families on the waiting list. The GRHC will use this funding only to assist the families within the specified category. In order to assist families within a targeted funding category, the GRHC will skip families that do not qualify within the targeted funding category. Within this category of families, the order in which such families are assisted is determined according to the policies provided in Section 4-III.C.

The GRHC administers the following types of targeted funding:

- Non-Elderly Disabled (NED)
- Veterans Affairs Supportive Housing (VASH)
- Mainstream
- Emergency Housing Vouchers (EHV)
- Foster Youth to Independence (FYI)

Regular HCV Funding

Regular HCV funding may be used to assist any eligible family on the waiting list. Families are selected from the waiting list according to the policies provided in Section 4-III.C.

4-III.C. SELECTION METHOD

Local Preferences [24 CFR 982.207; HCV p. 4-16]

GRHC will use the following local preferences, in this order:

1. The GRHC will offer a preference to any family that has been terminated from its HCV program due to insufficient program funding.
2. The GRHC will offer a preference to residents that are being displaced by government action.

3. The GRHC will offer a preference to Hope Community's Rapid Re-Housing Program (for homeless families) participants.
4. The GRHC will provide a preference to Homeless Households that are referred by the local Continuum of Care (CoC) limited to 25% of the annual attrition of the HCV program.
5. The GRHC will provide a preference for funding awarded by HUD within a specified category (mainstream and NED).
6. The GRHC will offer a preference to GRHC Project Based families who become eligible, and/or are in need of a barrier free unit(s).
7. The GRHC will offer a preference to residents that are in Kent County and Ottawa County, Michigan.
8. The GRHC will offer a preference to residents that are Veterans with honorable discharge status and/or a surviving spouse of a Veteran.
9. The GRHC will offer preference to participant households with more than one family member(s), selection will be based on date and time of application. For single person household(s), persons who are elderly, disabled or handicapped will be selected before other single person households.

Mainstream Vouchers

The GRHC will offer a preference to non-elderly persons with disabilities. The GRHC will maintain one waiting list for all tenant-based assistance, which includes Mainstream voucher assistance. When issuing a Mainstream Voucher, the GRHC will choose the Mainstream-eligible family from its tenant-based waiting list, first. When all Mainstream-eligible families are served from the GRHC main waiting list, the GRHC will accept referrals through established partnering service agencies that are identified by Memorandums of Understanding (MOU's), who are seeking to house Mainstream-eligible families.

Income Targeting Requirement [24 CFR 982.201(b)(2)]

HUD requires that extremely low-income (ELI) families make up at least 75 percent of the families admitted to the HCV program during the GRHC's fiscal year. ELI families are those with annual incomes at or below the federal poverty level or 30 percent of the area median income, whichever number is higher. To ensure this requirement is met, the GRHC may skip non-ELI families on the waiting list in order to select an ELI family. Low-income families admitted to the program that are "continuously assisted" under the 1937 Housing Act [24 CFR 982.4(b)], as well as low-income or moderate-income families admitted to the program that are displaced as a result of the prepayment of the mortgage or voluntary termination of an insurance

contract on eligible low-income housing, are not counted for income targeting purposes [24 CFR 982.201(b)(2)(v)].

GRHC MTW Flexibility

GRHC will monitor progress in meeting the income targeting requirement throughout the fiscal year. Very low-income (50% of AMI) families will be selected ahead of other eligible families on an as-needed basis to ensure the income targeting requirement is met.

Order of Selection

The GRHC system of preferences will select families based on local preferences or targeted funding according to the date and time of application or by a random selection process (lottery) [24 CFR 982.207(c)].

If the GRHC does not have enough funding to assist the family at the top of the waiting list, it is not permitted to skip down the waiting list to a family that it can afford to subsidize when there are not sufficient funds to subsidize the family at the top of the waiting list [24 CFR 982.204(d) and (e)].

Documentation will be maintained by the GRHC as to whether families on the list qualify for and are interested in targeted funding. If a higher placed family on the waiting list is not qualified or not interested in targeted funding, there will be a notation maintained so that the GRHC does not have to ask higher placed families each time targeted selections are made.

4-III.D. NOTIFICATION OF SELECTION [24 CFR 982.554(A)]

GRHC will notify the family via email and/or mail when it is selected from the waiting list. The notice will inform the family of the following:

- Date, time, and location of the scheduled application interview, including any procedures for rescheduling the interview
- Who is required to attend the interview
- All documents that must be provided at the interview, including information about what constitutes acceptable documentation

If a notification letter is returned to GRHC with no forwarding address, the family will be removed from the waiting list. A notice of denial (see Chapter 3) will be sent to the family's address of record, as well as to any known alternate address.

4-III.E. THE APPLICATION INTERVIEW

Families selected from the waiting list are required to participate in an eligibility interview. Being invited to attend an interview does not constitute admission to the program.

The head of household and the spouse/cohead will be strongly encouraged to attend the interview together. However, either the head of household or the spouse/cohead may attend the interview on behalf of the family. Verification of information pertaining to adult members of the household not present at the interview will not begin until signed release forms are returned to the GRHC.

The head of household or spouse/cohead must provide acceptable documentation of legal identity. (Chapter 7 provides a discussion of proper documentation of legal identity.) If the family representative does not provide the required documentation at the time of the interview, he or she will be required to provide it within 15 calendar days.

Pending disclosure and documentation of social security numbers, the PHA will allow the family to retain its place on the waiting list for 21 calendar days. If not all household members have disclosed their SSNs at the next time GRHC is issuing vouchers, the GRHC will issue a voucher to the next eligible applicant family on the waiting list.

The family must provide the information necessary to establish the family's eligibility and determine the appropriate level of assistance, and must complete required forms, provide required signatures, and submit required documentation. If any materials are missing, the GRHC will provide the family with a written list of items that must be submitted.

Any required documents or information that the family is unable to provide at the interview must be provided within 15 calendar days of the interview (Chapter 7 provides details about longer submission deadlines for particular items, including documentation of eligible noncitizen status). If the family is unable to obtain the information or materials within the required time frame, the family may request an extension. If the required documents and information are not provided within the required time frame (plus any extensions), the family will be sent a notice of denial (See Chapter 3).

An advocate, interpreter, or other assistant may assist the family with the application and the interview process.

Interviews will be conducted in English. For limited English proficient (LEP) applicants, the GRHC will provide translation services at the applicants request.

If the family is unable to attend a scheduled interview, the family should contact the GRHC in advance of the interview to schedule a new appointment. In all circumstances, if a family does not attend a scheduled interview, the GRHC will send another notification letter with a new interview appointment time. Applicants who fail to attend two scheduled interviews without GRHC approval will be denied assistance based on the family's failure to supply information needed to determine eligibility. A notice of denial will be issued in accordance with policies contained in Chapter 3.

4-III.F. COMPLETING THE APPLICATION PROCESS

The GRHC will verify all information provided by the family (see Chapter 7). Based on verified information, the GRHC will make a final determination of eligibility (see Chapter 3) and will confirm that the family qualified for any special admission, targeted funding admission, or selection preference that affected the order in which the family was selected from the waiting list.

If the GRHC determines that the family is ineligible, the GRHC will send written notification of the ineligibility determination within 15 calendar days of the determination. The notice will specify the reasons for ineligibility, and will inform the family of its right to request an informal review (Chapter 16).

If a family fails to qualify for any criteria that affected the order in which it was selected from the waiting list (e.g. targeted funding, extremely low-income), the family will be returned to its

original position on the waiting list. The GRHC will notify the family in writing that it has been returned to the waiting list, and will specify the reasons for it.

If the GRHC determines that the family is eligible to receive assistance, the GRHC will invite the family to attend a briefing in accordance with the policies in Chapter 5.

Chapter 5
BRIEFINGS AND VOUCHER ISSUANCE

| | |
|--|----|
| INTRODUCTION | 2 |
| PART I: BRIEFINGS AND FAMILY OBLIGATIONS | 3 |
| 5-I.A. OVERVIEW | 3 |
| 5-I.B. BRIEFING [24 CFR 982.301] | 3 |
| 5-I.C. FAMILY OBLIGATIONS | 6 |
| PART II: SUBSIDY STANDARDS AND VOUCHER ISSUANCE | 10 |
| 5-II.A. OVERVIEW | 10 |
| 5-II.B. DETERMINING FAMILY UNIT (VOUCHER) SIZE [24 CFR 982.402]..... | 10 |
| 5-II.C. EXCEPTIONS TO SUBSIDY STANDARDS | 11 |
| 5-II.D. VOUCHER ISSUANCE [24 CFR 982.302]..... | 11 |
| 5-II.E. VOUCHER TERM AND EXTENSIONS | 12 |

INTRODUCTION

This chapter explains the briefing and voucher issuance process. When a family is determined to be eligible for the Housing Choice Voucher (HCV) program, the GRHC will ensure that the family fully understands the way the program operates and the family's obligations under the program. This is accomplished through both an oral briefing and provision of a briefing packet containing the HUD-required documents and other information the family needs to know in order to lease a unit under the program. Once the family is fully informed of the program's requirements, the GRHC issues the family a voucher. The voucher includes the unit size for which the family qualifies based on the GRHC's subsidy standards, as well as the issue and expiration date of the voucher. The voucher is the document that authorizes the family to begin its search for a unit, and limits the amount of time the family has to successfully locate an acceptable unit.

This chapter describes HUD regulations and GRHC policies related to these topics in two parts:

Part I: Briefings and Family Obligations. This part details the program's requirements for briefing families orally, and for providing written materials describing the program and its requirements. It includes a particular focus on the family's obligations under the program.

Part II: Subsidy Standards and Voucher Issuance. This part discusses the GRHC's standards for determining how many bedrooms a family of a given composition qualifies for, which in turn affects the amount of subsidy the family can receive. It also discusses the policies that dictate how vouchers are issued, and how long families have to locate a unit.

PART I: BRIEFINGS AND FAMILY OBLIGATIONS

5-I.A. OVERVIEW

HUD regulations require the GRHC to conduct mandatory briefings for applicant families who qualify for a voucher. The briefing provides a broad description of owner and family responsibilities, explains the GRHC's procedures, and includes instructions on how to lease a unit. This part describes how oral briefings will be conducted, specifies what written information will be provided to families, and lists the family's obligations under the program.

5-I.B. BRIEFING [24 CFR 982.301]

Notification of Briefing

Prior to issuance of a voucher, Families will be notified of their eligibility for assistance at the time they are invited to a briefing. The notice will be sent by mail and will also be sent by email if the family has provided a valid email address to the GRHC.

The notice will advise the family of the type of briefing, who is required to be present at the briefing, and the date and time of the briefing. The notice will also inform the family of any additional requirements for in-person or remote briefings as addressed in relevant policy elsewhere in this section.

If the notice is returned by the post office with no forwarding address, the GRHC will attempt to reach the applicant by phone, if no response, the applicant will be denied, and their name will not be placed back on the waiting list. If the notice is returned by the post office with a forwarding address, the notice will be sent to the address indicated.

In-Person Briefings

In-person briefings will generally be conducted in group meetings. At the family's written request, the GRHC may provide an individual briefing.

Generally, all adult members of the family are required to attend the briefing. If the head of household is unable to attend, the GRHC will reschedule the briefing.

Families that attend group briefings and still need individual assistance will be referred to an appropriate GRHC staff person.

Briefings will be conducted in English. For limited English proficient (LEP) applicants, the GRHC will provide interpretation services in accordance with the PHA's LEP plan (Section 504 of the Rehabilitation Act of 1973) (See Chapter 2).

Attendance

Applicants who fail to attend a scheduled in-person briefing will be scheduled for another briefing automatically. The GRHC will notify the family of the date and time of the second scheduled briefing. Applicants who fail to attend two scheduled briefings, without prior GRHC approval, will be denied assistance (see Chapter 3).

Remote Briefings [Notice PIH 2020-32]

The GRHC has the sole discretion to require that briefings be conducted remotely in case of local, state, or national physical distancing orders, and in cases of inclement weather or natural disaster. If the GRHC schedules a remote briefing, the GRHC will conduct a face-to-face

briefing upon request of the applicant as a reasonable accommodation for a person with a disability if safety and health concerns can be reasonably addressed.

In addition, the GRHC will conduct a briefing remotely upon request of the applicant as a reasonable accommodation for a person with a disability, if an applicant does not have child care or transportation that would enable them to attend the briefing, or if the applicant believes an in-person briefing would create an undue health risk. The GRHC will consider other reasonable requests for a remote briefing on a case-by-case basis.

Accessibility Requirements for Persons with Disabilities and LEP Individuals

Conducting Remote Briefings

At least 15 calendar days prior to scheduling the remote briefing, the GRHC will provide written notification via first class mail and/or email to families participating in the briefing to advise of technological requirements and to request the family notify the GRHC of any known barriers. If any family does not respond within seven (7) calendar days, or if the written notification is returned by the post office or the email is rejected, the GRHC will contact the family by telephone to identify potential technological barriers and to determine which technology resources are accessible to the family. The GRHC will resolve any barriers using the guidance in Section 6 of Notice PIH 2020-32, including offering the family the opportunity to attend an in-person briefing or have a one-on-one briefing over the phone, as appropriate.

The GRHC will conduct remote briefings via a video conferencing platform when available. If applicants are unable to adequately access the video conferencing platform, the briefing will be conducted by telephone conferencing call-in. If the family is unable to adequately access the telephone conferencing call-in, the remote briefing will be postponed, and an in-person alternative or one-on-one briefing over the phone will be provided.

The GRHC will provide login information and/or conferencing call-in information and an electronic copy of the briefing packet via email at least five (7) calendar days before the briefing. The GRHC will provide a paper copy of the briefing packet upon family request, and may reschedule the briefing to allow adequate time for the family to receive the physical briefing packet.

The GRHC will ensure that all electronic information stored or transmitted as part of the briefing meets the requirements for accessibility for persons with disabilities and persons with LEP, and is secure, including ensuring personally identifiable information (PII) is protected.

The GRHC will ensure that families who participate in remote briefings have the opportunity to ask questions as part of the briefing.

If families lose connectivity during any remote briefing or otherwise feel they were unable to access information presented during the briefing, the family may request a one-on-one briefing over the phone or in person with the GRHC.

Oral Briefing [24 CFR 982.301(a)]

Each briefing will provide information on the following subjects:

- How the Housing Choice Voucher program works;
- Family and owner responsibilities;

- Where the family can lease a unit, including renting a unit inside or outside the GRHC's jurisdiction;
- An explanation of how portability works. The GRHC will not discourage the family from choosing to live anywhere in the GRHC jurisdiction or outside the GRHC jurisdiction under portability, unless otherwise expressly authorized by statute, regulation, PIH Notice, or court order;
- The GRHC will inform the family of how portability may affect the family's assistance through screening, subsidy standards, payment standards, and any other elements of the portability process which may affect the family's assistance;
- The advantages of areas that do not have a high concentration of low-income families; and
- For families receiving welfare-to-work vouchers, a description of any local obligations of a welfare-to-work family and an explanation that failure to meet the obligations is grounds for denial of admission or termination of assistance.

Briefing Packet [24 CFR 982.301(b)]

Documents and information provided in the briefing packet must include the following:

- The term of the voucher, voucher suspensions, and the GRHC's policies on any extensions of the term. The packet will explain how the family can request an extension.
- A description of the method used to calculate the housing assistance payment for a family, including how the GRHC determines the payment standard for a family, how the GRHC determines total tenant payment for a family, and information on the payment standard and utility allowance schedule.
- An explanation of how the GRHC determines the maximum allowable rent for an assisted unit.
- Where the family may lease a unit and an explanation of how portability works, including information on how portability may affect the family's assistance through screening, subsidy standards, payment standards, and any other elements of the portability process that may affect the family's assistance.
- The HUD-required tenancy addendum, which must be included in the lease.
- The form the family must use to request approval of tenancy, and a description of the procedure for requesting approval for a tenancy.
- A statement of the GRHC policy on providing information about families to prospective owners.
- The GRHC subsidy standards including when and how exceptions are made.
- Materials (e.g., brochures) on how to select a unit and any additional information on selecting a unit that HUD provides.
- Information on federal, state and local equal opportunity laws and a copy of the housing discrimination complaint form.

- A list of landlords known to the GRHC who may be willing to lease a unit to the family or other resources (e.g., newspapers, organizations, online search tools) known to the GRHC that may assist the family in locating a unit. The GRHC will ensure that the list of landlords or other resources covers areas outside of poverty or minority concentration.
- Notice that if the family includes a person with disabilities, the family may request a list of available accessible units known to the GRHC.
- The family obligations under the program, including any obligations of a welfare-to-work family.
- The grounds on which the GRHC will terminate assistance for a participant family because of family action or failure to act.
- The GRHC informal hearing procedures including when the GRHC is required to offer a participant family the opportunity for an informal hearing, and how to request the hearing.
- An explanation of the advantages of moving to an area that does not have a high concentration of low-income families.

Additional Items to Be Included in the Briefing Packet

The GRHC will provide the following additional materials in the briefing packet:

- The HUD pamphlet on lead-based paint entitled *Protect Your Family from Lead in Your Home*
- Information on how to fill out and file a housing discrimination complaint form
- The form HUD-5380 domestic violence certification form and the form HUD-5382 notice of occupancy rights, which contains information on VAWA protections for victims of domestic violence, dating violence, sexual assault, and stalking
- “Is Fraud Worth It?” (form HUD-1141-OIG), which explains the types of actions a family must avoid and the penalties for program abuse
- “What You Should Know about EIV,” a guide to the Enterprise Income Verification (EIV) system published by HUD as an attachment to Notice PIH 2017-12

5-I.C. FAMILY OBLIGATIONS

Obligations of the family are described in the housing choice voucher (HCV) regulations and on the voucher itself. These obligations include responsibilities the family is required to fulfill, as well as prohibited actions. The GRHC will inform families of these obligations during the oral briefing, and the same information must be included in the briefing packet. When the family’s unit is approved and the HAP contract is executed, the family must meet those obligations in order to continue participating in the program. Violation of any family obligation may result in termination of assistance, as described in Chapter 12.

Time Frames for Reporting Changes Required by Family Obligations

Unless otherwise noted below, when family obligations require the family to respond to a request or notify the GRHC of a change, notifying the GRHC of the request or change within 15 calendar days is considered prompt notice.

When a family is required to provide notice to the GRHC, the notice must be in writing.

Family Obligations [24 CFR 982.551]

The family obligations of the voucher are listed as follows:

- The family must supply any information that the GRHC or HUD determines to be necessary, including submission of required evidence of citizenship or eligible immigration status.
- The family must supply any information requested by the GRHC or HUD for use in a regularly scheduled reexamination or interim reexamination of family income and composition.
- The family must disclose and verify social security numbers and sign and submit consent forms for obtaining information.
- Any information supplied by the family must be true and complete.
- The family is responsible for any Housing Quality Standards (HQS) breach by the family caused by failure to pay tenant-provided utilities or appliances, or damages to the dwelling unit or premises beyond normal wear and tear caused by any member of the household or guest. Damages beyond normal wear and tear will be considered to be damages which could be assessed against the security deposit.
- The family must allow the GRHC to inspect the unit at reasonable times and after reasonable notice, as described in Chapter 8 of this plan.
- The family must not commit any serious or repeated violation of the lease.
 - The GRHC will determine if a family has committed serious or repeated violations of the lease based on available evidence, including but not limited to, a court-ordered eviction or an owner's notice to evict, police reports, and affidavits from the owner, neighbors, or other credible parties with direct knowledge.
 - *Serious and repeated lease violations* will include, but not be limited to, nonpayment of rent, disturbance of neighbors, destruction of property, living or housekeeping habits that cause damage to the unit or premises, and criminal activity. Generally, the criterion to be used will be whether or not the reason for the eviction was the fault of the tenant or guests. Any incidents of, criminal activity related to, domestic violence, dating violence, sexual assault, or stalking will not be construed as serious or repeated lease violations by the victim [24 CFR 5.2005(c)(1)].
- The family must notify the GRHC and the owner before moving out of the unit or terminating the lease.
 - The family must comply with lease requirements regarding written notice to the owner.
 - The family must provide written notice to the GRHC at the same time the owner is notified.
- The family must promptly give the GRHC a copy of any owner eviction notice.
- The family must use the assisted unit for residence by the family. The unit must be the family's only residence.

- The composition of the assisted family residing in the unit must be approved by the GRHC. The family must promptly notify the GRHC in writing of the birth, adoption, or court-awarded custody of a child. The family must request GRHC approval to add any other family member as an occupant of the unit.
 - The request to add a family member must be submitted in writing and approved prior to the person moving into the unit. The GRHC will determine eligibility of the new member in accordance with the policies in Chapter 3.
- The family must promptly notify the GRHC in writing if any family member no longer lives in the unit.
- If the GRHC has given approval, a foster child or a live-in aide may reside in the unit. For policies related to the request and approval/disapproval of foster children, foster adults, and live-in aides, see Chapter 3 (sections I.K and I.M), and Chapter 11 (section II.B).
- The family must not sublease the unit, assign the lease, or transfer the unit.
 - Subleasing includes receiving payment to cover rent and utility costs by a person living in the unit who is not listed as a family member.
- The family must supply any information requested by the GRHC to verify that the family is living in the unit or information related to family absence from the unit.
- The family must promptly notify the GRHC when the family is absent from the unit.
 - Notice is required only when all family members will be absent from the unit for an extended period. An extended period is defined as any period greater than 30 calendar days. Written notice must be provided to the GRHC at the start of the extended absence.
- The family must pay utility bills and provide and maintain any appliances that the owner is not required to provide under the lease [Form HUD-52646, Voucher].
- The family must not own or have any interest in the unit, (other than in a cooperative and owners of a manufactured home leasing a manufactured home space).
- Family members must not commit fraud, bribery, or any other corrupt or criminal act in connection with the program. (See Chapter 14, Program Integrity for additional information).
- Family members must not engage in drug-related criminal activity or violent criminal activity or other criminal activity that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises. See Chapter 12 for HUD and GRHC policies related to drug-related and violent criminal activity.
- Members of the household must not engage in abuse of alcohol in a way that threatens the health, safety or right to peaceful enjoyment of the other residents and persons residing in the immediate vicinity of the premises. See Chapter 12 for a discussion of HUD and GRHC policies related to alcohol abuse.
- An assisted family or member of the family must not receive HCV program assistance while receiving another housing subsidy, for the same unit or a different unit under any other federal, state or local housing assistance program.

- A family must not receive HCV program assistance while residing in a unit owned by a parent, child, grandparent, grandchild, sister or brother of any member of the family, unless the PHA has determined (and has notified the owner and the family of such determination) that approving rental of the unit, notwithstanding such relationship, would provide reasonable accommodation for a family member who is a person with disabilities. [Form HUD-52646, Voucher]

PART II: SUBSIDY STANDARDS AND VOUCHER ISSUANCE

5-II.A. OVERVIEW

The GRHC will establish subsidy standards that determine the number of bedrooms needed for families of different sizes and compositions. This part presents the policies that will be used to determine the family unit size (also known as the voucher size) a particular family should receive, and the policies that govern making exceptions to those standards. The GRHC will also establish policies related to the issuance of the voucher, to the voucher term, and to any extensions of the voucher term.

5-II.B. DETERMINING FAMILY UNIT (VOUCHER) SIZE [24 CFR 982.402]

For each family, the GRHC determines the appropriate number of bedrooms under the GRHC subsidy standards and enters the family unit size on the voucher that is issued to the family. The family unit size does not dictate the size of unit the family must actually lease, nor does it determine who within a household will share a bedroom/sleeping room.

The following requirements apply when the GRHC determines family unit size:

- The subsidy standards must provide for the smallest number of bedrooms needed to house a family without overcrowding.
- The subsidy standards must be consistent with space requirements under the housing quality standards.
- The subsidy standards must be applied consistently for all families of like size and composition.
- A child who is temporarily away from the home because of placement in foster care is considered a member of the family in determining the family unit size.
- A family that consists of a pregnant woman (with no other persons) must be treated as a two-person family.
- Any live-in aide (approved by the GRHC to reside in the unit to care for a family member who is disabled or is at least 50 years of age) must be counted in determining the family unit size.

Unless a live-in-aide resides with a family, the family unit size for any family consisting of a single person must be either a zero- or one-bedroom unit, as determined under the GRHC subsidy standards.

The GRHC will assign one bedroom for each two persons within the household, except in the following circumstances:

- Persons of the opposite sex (other than spouses) will be allocated separate bedrooms.
- Parent(s) will be allocated a separate bedroom from their children.
- Live-in aides will be allocated a separate bedroom.
- Single-person families will be allocated one bedroom.

The GRHC will reference the following chart in determining the appropriate voucher size for a family:

| Voucher Size | Persons in Household (Minimum – Maximum) |
|---------------------|---|
| 1 Bedroom | 1 – 2 |
| 2 Bedrooms | 2 – 4 |
| 3 Bedrooms | 3 – 6 |
| 4 Bedrooms | 4 – 8 |
| 5 Bedrooms | 6 – 10 |

5-II.C. EXCEPTIONS TO SUBSIDY STANDARDS

In determining family unit size for a particular family, the GRHC will grant an exception to its established subsidy standards if the GRHC determines that the exception is justified by the age, sex, health, handicap, or relationship of family members or other personal circumstances [24 CFR 982.402(b)(8)]. Reasons may include, but are not limited to:

- A need for an additional bedroom for medical equipment
- A need for a separate bedroom for reasons related to a family member's disability, medical or health condition.

For a single person who is not elderly, disabled, or a remaining family member, an exception cannot override the regulatory limit of a zero or one bedroom [24 CFR 982.402(b)(8)].

The family must request any exception to the subsidy standards in writing. The request must explain the need or justification for a larger family unit size and must include appropriate documentation. Requests based on health-related reasons must be verified by a knowledgeable professional source (e.g., doctor or health professional), unless the disability and the disability-related request for accommodation is readily apparent or otherwise known. The family's continued need for an additional bedroom due to special medical equipment must be re-verified at annual reexamination.

The GRHC will notify the family of its determination within 15 calendar days of receiving the family's request. If a participant family's request is denied, the notice will inform the family of their right to request an informal hearing.

5-II.D. VOUCHER ISSUANCE [24 CFR 982.302]

When a family is selected from the waiting list (or as a special admission as described in Chapter 4), or when a participant family wants to move to another unit, the GRHC issues a Housing Choice Voucher, form HUD-52646. This chapter deals only with voucher issuance for applicants. For voucher issuance associated with moves of program participants, please refer to Chapter 10.

The voucher is the family's authorization to search for housing. It specifies the unit size for which the family qualifies, and includes both the date of voucher issuance and date of expiration. It contains a brief description of how the program works and explains the family obligations under the program. The voucher is evidence that the GRHC has determined the family to be

eligible for the program, and that the GRHC expects to have money available to subsidize the family if the family finds an approvable unit. However, the GRHC does not have any liability to any party by the issuance of the voucher, and the voucher does not give the family any right to participate in the GRHC's housing choice voucher program [Voucher, form HUD-52646]

A voucher can be issued to an applicant family only after the GRHC has determined that the family is eligible for the program based on verification of information received within the 60 calendar days prior to issuance [24 CFR 982.201(e)] and after the family has attended an oral briefing [HCV 8-1].

If the GRHC determines that there is insufficient funding after a voucher has been issued, the GRHC will rescind the voucher and place the affected family back on the waiting list.

5-II.E. VOUCHER TERM AND EXTENSIONS

Voucher Term [24 CFR 982.303]

The initial voucher term will be 120 calendar days. The family must submit a Request for Tenancy Approval and proposed lease within the 120 calendar day period unless the GRHC grants an extension.

Extensions of Voucher Term [24 CFR 982.303(b)]

The GRHC has the authority to grant extensions of search time, to specify the length of an extension, and to determine the circumstances under which extensions will be granted. The GRHC will limit voucher periods to not be greater than 180 calendar days, unless a reasonable accommodation is requested and approved.

The GRHC will approve additional search time if needed as a reasonable accommodation to make the program accessible to and usable by a person with disabilities. The extension period must be reasonable for the purpose.

The family will be notified in writing of the GRHC's decision to approve or deny an extension. The GRHC's decision to deny a request for an extension of the voucher term is not subject to informal review [24 CFR 982.554(c)(4)].

The GRHC will approve extensions only in the following circumstances:

- It is necessary as reasonable accommodation for a person with disabilities.
- It is necessary due to reasons beyond the family's control, as determined by the GRHC. The following is a list of extenuating circumstances that the GRHC may consider in making its decision. The presence of these circumstances does not guarantee that an extension will be granted:
 - Serious illness or death in the family
 - Local Market Conditions
 - Other family emergency
 - Obstacles due to employment
 - Whether the family has already submitted requests for tenancy approval that were not approved by the GRHC

- Whether family size or other special circumstances make it difficult to find a suitable unit

Any request for an extension must include the reason(s) an additional extension is necessary. The GRHC may require the family to provide documentation to support the request or obtain verification from a qualified third party.

All requests for extensions to the voucher term must be made in writing and submitted to the GRHC prior to the expiration date of the voucher (or extended term of the voucher).

The GRHC will decide whether to approve or deny an extension request within 10 business days of the date the request is approved or denied, and will immediately provide the family written notice of its decision.

Suspensions of Voucher Term [24 CFR 982.303(c)]

The GRHC must provide for suspension of the initial or any extended term of the voucher from the date the family submits a request for PHA approval of the tenancy until the date the PHA notifies the family in writing whether the request has been approved or denied.

Expiration of Voucher Term

If an applicant family's voucher term or extension expires before the GRHC has approved a tenancy, the GRHC will require the family to reapply for assistance.

Within 15 calendar days after the expiration of the voucher term or any extension, the GRHC will notify the family in writing that the voucher term has expired and that the family must reapply when the waiting list is open in order to be placed on the waiting list.

Special Purpose Programs Re-issuance of Voucher

The GRHC will not issue a new voucher to an applicant whose voucher expired in the any special purpose program (VASH, FYI, Mainstream, EHV) until 6 months have passed from the time of expiration.

Chapter 6

INCOME AND SUBSIDY DETERMINATIONS

[24 CFR Part 5, Subparts E and F; 24 CFR 982]

| | |
|---|----|
| INTRODUCTION | 3 |
| PART I: ANNUAL INCOME | 4 |
| 6-I.A. OVERVIEW | 4 |
| 6-I.B. HOUSEHOLD COMPOSITION AND INCOME | 4 |
| 6-I.C. ANTICIPATING ANNUAL INCOME | 6 |
| 6-I.D. EARNED INCOME | 8 |
| 6-I.E. EARNED INCOME DISALLOWANCE FOR PERSONS WITH DISABILITIES ... | 11 |
| 6-I.F. BUSINESS INCOME | 12 |
| 6-I.G. ASSETS | 13 |
| 6-I.H. PERIODIC PAYMENTS | 19 |
| 6-I.I. PAYMENTS IN LIEU OF EARNINGS | 20 |
| 6-I.J. WELFARE ASSISTANCE | 20 |
| 6-I.K. PERIODIC AND DETERMINABLE ALLOWANCES | 21 |
| 6-I.L. STUDENT FINANCIAL ASSISTANCE | 22 |
| 6-I.M. ADDITIONAL EXCLUSIONS FROM ANNUAL INCOME | 23 |
| PART II: ADJUSTED INCOME | 26 |
| 6-II.A. INTRODUCTION | 26 |
| 6-II.B. DEPENDENT DEDUCTION | 27 |
| 6-II.C. ELDERLY OR DISABLED FAMILY DEDUCTION | 27 |
| 6-II.D. MEDICAL EXPENSES DEDUCTION | 27 |
| 6-II.E. DISABILITY ASSISTANCE EXPENSES DEDUCTION | 28 |
| 6-II.F. CHILD CARE EXPENSE DEDUCTION | 29 |
| PART III: CALCULATING FAMILY SHARE AND PHA SUBSIDY | 33 |
| 6-III.A. OVERVIEW OF RENT AND SUBSIDY CALCULATIONS | 33 |
| 6-III.B. FINANCIAL HARDSHIPS AFFECTING MINIMUM RENT | 34 |
| 6-III.C. APPLYING PAYMENT STANDARDS | 36 |
| 6-III.D. APPLYING UTILITY ALLOWANCES | 37 |
| 6-III.E. PRORATED ASSISTANCE FOR MIXED FAMILIES | 37 |

| | |
|--|----|
| EXHIBIT 6-1: ANNUAL INCOME INCLUSIONS..... | 38 |
| EXHIBIT 6-2: ANNUAL INCOME EXCLUSIONS..... | 41 |
| EXHIBIT 6-3: TREATMENT OF FAMILY ASSETS | 43 |
| EXHIBIT 6-4: EARNED INCOME DISALLOWANCE FOR PERSONS WITH DISABILITIES | 44 |
| EXHIBIT 6-5: THE EFFECT OF WELFARE BENEFIT REDUCTION | 46 |

INTRODUCTION

A family's income determines eligibility for assistance and is also used to calculate the family's payment and the PHA's subsidy. The GRHC will use the policies and methods described in this chapter to ensure that only eligible families receive assistance and that no family pays more or less than its obligation under the regulations. This chapter describes HUD regulations and GRHC policies related to these topics in three parts as follows:

- Part I: Annual Income. HUD regulations specify the sources of income to include and exclude to arrive at a family's annual income. These requirements and GRHC policies for calculating annual income are found in Part I.
- Part II: Adjusted Income. Once annual income has been established HUD regulations require the GRHC to subtract from annual income any of five mandatory deductions for which a family qualifies. These requirements and GRHC policies for calculating adjusted income are found in Part II.
- Part III: Calculating Family Share and GRHC Subsidy. This part describes the statutory formula for calculating total tenant payment (TTP), the use of utility allowances, and the methodology for determining GRHC subsidy and required family payment.

PART I: ANNUAL INCOME

6-I.A. OVERVIEW

The general regulatory definition of *annual income* shown below is from 24 CFR 5.609.

5.609 Annual income.

(a) Annual income means all amounts, monetary or not, which:

(1) Go to, or on behalf of, the family head or spouse (even if temporarily absent) or to any other family member; or

(2) Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and

(3) Which are not specifically excluded in paragraph [5.609(c)].

(4) Annual income also means amounts derived (during the 12-month period) from assets to which any member of the family has access.

In addition to this general definition, HUD regulations establish policies for treating specific types of income and assets. The full texts of those portions of the regulations are provided in exhibits at the end of this chapter as follows:

- Annual Income Inclusions (Exhibit 6-1)
- Annual Income Exclusions (Exhibit 6-2)
- Treatment of Family Assets (Exhibit 6-3)
- Earned Income Disallowance for Persons with Disabilities (Exhibit 6-4)
- The Effect of Welfare Benefit Reduction (Exhibit 6-5)

Sections 6-I.B and 6-I.C discuss general requirements and methods for calculating annual income. The rest of this section describes how each source of income is treated for the purposes of determining annual income. HUD regulations present income inclusions and exclusions separately [24 CFR 5.609(b) and 24 CFR 5.609(c)]. In this plan, however, the discussions of income inclusions and exclusions are integrated by topic (e.g., all policies affecting earned income are discussed together in section 6-I.D). Verification requirements for annual income are discussed in Chapter 7.

6-I.B. HOUSEHOLD COMPOSITION AND INCOME

Income received by all family members must be counted unless specifically excluded by the regulations. It is the responsibility of the head of household to report changes in family composition. The rules on which sources of income are counted vary somewhat by family member. The chart below summarizes how family composition affects income determinations.

| Summary of Income Included and Excluded by Person | |
|---|--|
| Live-in aides | Income from all sources is excluded [24 CFR 5.609(c)(5)]. |
| Foster child or foster adult | Income from all sources is excluded [24 CFR 5.609(c)(2)]. |
| Head, spouse, or cohead Other adult family members | All sources of income not specifically excluded by the regulations are included. |
| Children under 18 years of age | Employment income is excluded [24 CFR 5.609(c)(1)]. All other sources of income, except those specifically excluded by the regulations, are included. |
| Full-time students 18 years of age or older (not head, spouse, or cohead) | Employment income above \$480/year is excluded [24 CFR 5.609(c)(11)]. All other sources of income, except those specifically excluded by the regulations, are included. |

Temporarily Absent Family Members

Generally, an individual who is or is expected to be absent from the assisted unit for 180 consecutive calendar days or less is considered temporarily absent and continues to be considered a family member. Generally, an individual who is or is expected to be absent from the assisted unit for more than 180 consecutive calendar days is considered permanently absent and no longer a family member. Exceptions to this general policy are military personnel. Other exceptions are discussed below.

Absent Students

When someone who has been considered a family member attends school away from home, the person will continue to be considered a family member unless information becomes available to the GRHC indicating that the student has established a separate household or the family declares that the student has established a separate household.

Absences Due to Placement in Foster Care

If a child has been placed in foster care, the GRHC will verify with the appropriate agency whether and when the child is expected to be returned to the home. Unless the agency confirms that the child has been permanently removed from the home, the child will be counted as a family member.

Absent Head, Spouse, or Cohead

An employed head, spouse, or cohead absent from the unit more than 180 consecutive calendar days due to employment will continue to be considered a family member.

Family Members Permanently Confined for Medical Reasons

If a family member is confined to a nursing home or hospital on a permanent basis, that person is no longer considered a family member and the income of that person is not counted [HCV GB, p. 5-22].

The GRHC will request verification from a responsible medical professional and will use this determination. If the responsible medical professional cannot provide a determination, the person

generally will be considered temporarily absent through 180 days. The family may present evidence that the family member is confined on a permanent basis and request that the person not be considered a family member.

Joint Custody of Dependents

Dependents that are subject to a joint custody arrangement will be considered a member of the family, if they live with the applicant or participant family 50 percent or more of the time.

When more than one applicant or participant family is claiming the same dependents as family members, the family with primary custody at the time of the initial examination or reexamination will be able to claim the dependents. If there is a dispute about which family should claim them, the GRHC will make the determination based on available documents such as court orders, school records, or an IRS return showing which family has claimed the child for income tax purposes.

Caretakers for a Child

The approval of a caretaker is at the owner and GRHC's discretion and subject to the owner and GRHC's screening criteria. If neither a parent nor a designated guardian remains in a household receiving HCV assistance, the GRHC will take the following actions.

- If a responsible agency has determined that another adult is to be brought into the assisted unit to care for a child for an indefinite period, the designated caretaker will not be considered a family member until a determination of custody or legal guardianship is made.
- If a caretaker has assumed responsibility for a child without the involvement of a responsible agency or formal assignment of custody or legal guardianship, the caretaker will be treated as a visitor for 90 calendar days. After the 90 calendar days has elapsed, the caretaker will be considered a family member and a request to add a household member must be submitted unless information is provided that would confirm that the caretaker's role is temporary. In such cases the GRHC will extend the caretaker's status as an eligible visitor.
- At any time that custody or guardianship legally has been awarded to a caretaker, the housing choice voucher will be transferred to the caretaker.
- During any period that a caretaker is considered a visitor, the income of the caretaker is not counted in annual income and the caretaker does not qualify the family for any deductions from income.

6-I.C. ANTICIPATING ANNUAL INCOME

The GRHC is required to count all income "anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date" [24 CFR 5.609(a)(2)]. Policies related to anticipating annual income are provided below.

Basis of Annual Income Projection

The GRHC generally will use current circumstances to determine anticipated income for the coming 12-month period. HUD authorizes the GRHC to use other than current circumstances to anticipate income when:

- An imminent change in circumstances is expected [HCV GB, p. 5-17]
- It is not feasible to anticipate a level of income over a 12-month period (e.g., seasonal or cyclic income) [24 CFR 5.609(d)]
- The GRHC believes that past income is the best available indicator of expected future income [24 CFR 5.609(d)]

The GRHC is required to use HUD's Enterprise Income Verification (EIV) system in its entirety as a third party source to verify employment and income information, and to reduce administrative subsidy payment errors in accordance with HUD administrative guidance [24 CFR 5.233(a)(2)].

HUD allows the GRHC to use tenant-provided documents (pay stubs) to project income once EIV data has been received in such cases where the family does not dispute the EIV employer data and where the GRHC does not determine it is necessary to obtain additional third-party data.

When EIV is obtained and the family does not dispute the EIV employer data, the GRHC will use current tenant-provided documents to project annual income. When the tenant-provided documents are pay stubs, the GRHC will make every effort to obtain current and consecutive pay stubs dated within the last 60 calendar days.

The GRHC will obtain written and/or oral third-party verification in accordance with the verification requirements and policy in Chapter 7 in the following cases:

- If EIV or other UIV data is not available,
- If the family disputes the accuracy of the EIV employer data, and/or
- If the GRHC determines additional information is needed.

In such cases, the GRHC will review and analyze current data to anticipate annual income. In all cases, the family file will be documented with a clear record of the reason for the decision, and a clear audit trail will be left as to how the GRHC annualized projected income.

When the GRHC cannot readily anticipate income based upon current circumstances (e.g., in the case of seasonal employment, unstable working hours, or suspected fraud), the GRHC will review and analyze historical data for patterns of employment, paid benefits, and receipt of other income and use the results of this analysis to establish annual income.

Any time current circumstances are not used to project annual income, a clear rationale for the decision will be documented in the file. In all such cases the family may present information and documentation to the PHA to show why the historic pattern does not represent the family's anticipated income.

Known Changes in Income

If the PHA verifies an upcoming increase or decrease in income, annual income will be calculated by applying each income amount to the appropriate part of the 12-month period.

Example: An employer reports that a full-time employee who has been receiving \$8/hour will begin to receive \$8.25/hour in the eighth week after the effective date of the reexamination. In such a case the PHA would calculate annual income as follows: $(\$8/\text{hour} \times 40 \text{ hours} \times 7 \text{ weeks}) + (\$8.25 \times 40 \text{ hours} \times 45 \text{ weeks})$.

The family may present information that demonstrates that implementing a change before its effective date would create a hardship for the family. In such cases the PHA will calculate annual income using current circumstances and then require an interim reexamination when the change actually occurs. This requirement will be imposed even if the PHA's policy on reexaminations does not require interim reexaminations for other types of changes.

When tenant-provided third-party documents are used to anticipate annual income, they will be dated within the last 60 calendar days of the reexamination interview date.

Projecting Income

The GRHC will not to use EIV quarterly wages to project annual income.

6-I.D. EARNED INCOME

Types of Earned Income Included in Annual Income

Wages and Related Compensation

The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services is included in annual income [24 CFR 5.609(b)(1)].

For persons who regularly receive bonuses or commissions, the GRHC will verify and then average amounts received for the two years preceding admission or reexamination. If only a one-year history is available, the GRHC will use the prior year amounts. In either case the family may provide, and the GRHC will consider, a credible justification for not using this history to anticipate future bonuses or commissions. If a new employee has not yet received any bonuses or commissions, the GRHC will count only the amount estimated by the employer. The file will be documented appropriately.

Some Types of Military Pay

All regular pay, special pay and allowances of a member of the Armed Forces are counted [24 CFR 5.609(b)(8)] except for the special pay to a family member serving in the Armed Forces who is exposed to hostile fire [24 CFR 5.609(c)(7)].

Types of Earned Income Not Counted in Annual Income

Temporary, Nonrecurring, or Sporadic Income [24 CFR 5.609(c)(9)]

This type of income (including gifts) is not included in annual income. Sporadic income includes temporary payments from the U.S. Census Bureau for employment lasting no longer than 180 days [Notice PIH 2009-19]. For example, the income of an individual who works occasionally as a handyman would be considered sporadic if future work could not be anticipated and no historic, stable pattern of income existed.

Children's Earnings

Employment income earned by children (including foster children) under the age of 18 years is not included in annual income [24 CFR 5.609(c)(1)]. (See Eligibility chapter for a definition of *foster children*.)

Certain Earned Income of Full-Time Students

Earnings in excess of \$480 for each full-time student 18 years old or older (except for the head, spouse, or cohead) are not counted [24 CFR 5.609(c)(11)]. To be considered “full-time,” a student must be considered “full-time” by an educational institution with a degree or certificate program [HCV GB, p. 5-29].

Income of a Live-in Aide

Income earned by a live-in aide, as defined in [24 CFR 5.403], is not included in annual income [24 CFR 5.609(c)(5)]. (See Eligibility chapter for a full discussion of live-in aides.)

Income Earned under Certain Federal Programs

Income from some federal programs is specifically excluded from consideration as income [24 CFR 5.609(c)(17)], including:

- Payments to volunteers under the Domestic Volunteer Services Act of 1973 (42 U.S.C. 5044(g), 5058)
- Awards under the federal work-study program (20 U.S.C. 1087 uu)
- Payments received from programs funded under Title V of the Older Americans Act of 1985 (42 U.S.C. 3056(f))
- Allowances, earnings, and payments to AmeriCorps participants under the National and Community Service Act of 1990 (42 U.S.C. 12637(d))
- Allowances, earnings, and payments to participants in programs funded under the Workforce Investment Act of 1998 (29 U.S.C. 2931)

Resident Service Stipend

Amounts received under a resident service stipend are not included in annual income. A resident service stipend is a modest amount (not to exceed \$200 per individual per month) received by a resident for performing a service for the GRHC or owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, resident initiatives coordination, and serving as a member of the GRHC’s governing board. No resident may receive more than one such stipend during the same period of time [24 CFR 5.600(c)(8)(iv)].

State and Local Employment Training Programs

Incremental earnings and benefits to any family member resulting from participation in qualifying state or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff are excluded from annual income. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives and are excluded only for the period during which the family member participates in the training program [24 CFR 5.609(c)(8)(v)].

The GRHC defines *training program* as “a learning process with goals and objectives, generally having a variety of components, and taking place in a series of sessions over a period of time. It is designed to lead to a higher level of proficiency, and it enhances the individual’s ability to obtain employment. It may have performance standards to measure proficiency. Training may include, but is not limited to: (1) classroom training in a specific occupational skill, (2) on-the-

job training with wages subsidized by the program, or (3) basic education” [expired Notice PIH 98-2, p. 3].

The GRHC defines *incremental earnings and benefits* as the difference between: (1) the total amount of welfare assistance and earnings of a family member prior to enrollment in a training program, and (2) the total amount of welfare assistance and earnings of the family member after enrollment in the program [expired Notice PIH 98-2, pp. 3–4].

In calculating the incremental difference, the GRHC will use as the pre-enrollment income the total annualized amount of the family member’s welfare assistance and earnings reported on the family’s most recently completed HUD-50058.

End of participation in a training program must be reported in accordance with the GRHC's interim reporting requirements.

HUD-Funded Training Programs

Amounts received under training programs funded in whole or in part by HUD [24 CFR 5.609(c)(8)(i)] are excluded from annual income. Eligible sources of funding for the training include operating subsidy, Section 8 administrative fees, and modernization, Community Development Block Grant (CDBG), HOME program, and other grant funds received from HUD.

Earned Income Tax Credit

Earned income tax credit (EITC) refund payments received on or after January 1, 1991 (26 U.S.C. 32(j)), are excluded from annual income [24 CFR 5.609(c)(17)]. Although many families receive the EITC annually when they file taxes, an EITC can also be received throughout the year. The prorated share of the annual EITC is included in the employee’s payroll check.

Earned Income Disallowance

The earned income disallowance for persons with disabilities is discussed in section 6-I.E below.

6-I.E. EARNED INCOME DISALLOWANCE FOR PERSONS WITH DISABILITIES [24 CFR 5.617; Streamlining Final Rule (SFR) Federal Register 3/8/16]

The earned income disallowance (EID) encourages people with disabilities to enter the work force by not including the full value of increases in earned income for a period of time. The full text of 24 CFR 5.617 is included as Exhibit 6-4 at the end of this chapter. Eligibility criteria and limitations on the disallowance are summarized below.

Eligibility

This disallowance applies only to individuals in families already participating in the HCV program (not at initial examination). To qualify, the family must experience an increase in annual income that is the result of one of the following events:

- Employment of a family member who is a person with disabilities and who was previously unemployed for one or more years prior to employment. *Previously unemployed* includes a person who annually has earned not more than the minimum wage applicable to the community multiplied by 500 hours. The applicable minimum wage is the federal minimum wage unless there is a higher state or local minimum wage.
- Increased earnings by a family member who is a person with disabilities and whose earnings increase during participation in an economic self-sufficiency or job-training program. A self-sufficiency program includes a program designed to encourage, assist, train, or facilitate the economic independence of HUD-assisted families or to provide work to such families [24 CFR 5.603(b)].
- New employment or increased earnings by a family member who is a person with disabilities and who has received benefits or services under Temporary Assistance for Needy Families (TANF) or any other state program funded under Part A of Title IV of the Social Security Act within the past six months. If the benefits are received in the form of monthly maintenance, there is no minimum amount. If the benefits or services are received in a form other than monthly maintenance, such as one-time payments, wage subsidies, or transportation assistance, the total amount received over the six-month period must be at least \$500.

Calculation of the Disallowance

Calculation of the earned income disallowance for an eligible member of a qualified family begins with a comparison of the member's current income with his or her "baseline income." The family member's baseline income is his or her income immediately prior to qualifying for the EID. The family member's baseline income remains constant throughout the period that he or she is participating in the EID.

Calculation Method

Initial 12-Month Exclusion

During the initial exclusion period of 12 consecutive months, the full amount (100 percent) of any increase in income attributable to new employment or increased earnings is excluded.

The initial EID exclusion period will begin on the first of the month following the date an eligible member of a qualified family is first employed or first experiences an increase in earnings.

Second 12-Month Exclusion

During the second exclusion period of 12 consecutive months, the GRHC will exclude at least 50 percent of any increase in income attributable to employment or increased earnings.

Lifetime Limitation

The EID has a two-year (24-month) lifetime maximum. The two-year eligibility period begins at the same time that the initial exclusion period begins and ends 24 months later. During the 24-month period, an individual remains eligible for EID even if they begin to receive assistance from a different housing agency, move between public housing and Section 8 assistance, or have breaks in assistance.

6-I.F. BUSINESS INCOME [24 CFR 5.609(b)(2)]

Annual income includes “the net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family” [24 CFR 5.609(b)(2)].

Business Expenses

Net income is “gross income less business expense” [HCV GB, p. 5-19]. To determine business expenses that may be deducted from gross income, the GRHC will use current applicable Internal Revenue Service (IRS) rules for determining allowable business expenses [see IRS Publication 535], unless a topic is addressed by HUD regulations or guidance as described below.

Business Expansion

HUD regulations do not permit the GRHC to deduct from gross income expenses for business expansion.

Business expansion is defined as any capital expenditures made to add new business activities, to expand current facilities, or to operate the business in additional locations. For example, purchase of a street sweeper by a construction business for the purpose of adding street cleaning to the services offered by the business would be considered a business expansion. Similarly, the purchase of a property by a hair care business to open at a second location would be considered a business expansion. GRHC will not deduct business expansion from gross income.

Capital Indebtedness

HUD regulations do not permit the GRHC to deduct from gross income the amortization of capital indebtedness.

Capital indebtedness is defined as the principal portion of the payment on a capital asset such as land, buildings, and machinery. This means the GRHC will allow as a business expense interest, but not principal, paid on capital indebtedness.

Negative Business Income

If the net income from a business is negative, no business income will be included in annual income; a negative amount will not be used to offset other family income.

Withdrawal of Cash or Assets from a Business

HUD regulations require the GRHC to include in annual income the withdrawal of cash or assets from the operation of a business or profession unless the withdrawal reimburses a family member for cash or assets invested in the business by the family.

Acceptable investments in a business include cash loans and contributions of assets or equipment. For example, if a member of an assisted family provided an up-front loan of \$2,000 to help a business get started, the GRHC will not count as income any withdrawals from the business up to the amount of this loan until the loan has been repaid. Investments do not include the value of labor contributed to the business without compensation.

Co-owned Businesses

If a business is co-owned with someone outside the family, the family must document the share of the business it owns. If the family's share of the income is lower than its share of ownership, the family must document the reasons for the difference.

6-I.G. ASSETS [24 CFR 5.609(b)(3); 24 CFR 5.603(b)]

Overview

There is no asset limitation for participation in the HCV program. However, HUD requires that the GRHC include in annual income the anticipated "interest, dividends, and other net income of any kind from real or personal property" [24 CFR 5.609(b)(3)]. This section discusses how the income from various types of assets is determined. For most types of assets, the GRHC must determine the value of the asset in order to compute income from the asset. Therefore, for each asset type, this section discusses:

- How the value of the asset will be determined
- How income from the asset will be calculated

Exhibit 6-1 provides the regulatory requirements for calculating income from assets [24 CFR 5.609(b)(3)], and Exhibit 6-3 provides the regulatory definition of *net family assets*. This section begins with a discussion of general policies related to assets and then provides HUD rules and GRHC policies related to each type of asset.

Optional policies for family self-certification of assets are found in Chapter 7.

General Policies

Income from Assets

The GRHC generally will use current circumstances to determine both the value of an asset and the anticipated income from the asset. As is true for all sources of income, HUD authorizes the GRHC to use other than current circumstances to anticipate income when (1) an imminent

change in circumstances is expected (2) it is not feasible to anticipate a level of income over 12 months or (3) the GRHC believes that past income is the best indicator of anticipated income. For example, if a family member owns real property that typically receives rental income but the property is currently vacant, the GRHC can take into consideration past rental income along with the prospects of obtaining a new tenant.

Anytime current circumstances are not used to determine asset income, a clear rationale for the decision will be documented in the file. In such cases the family may present information and documentation to the GRHC to show why the asset income determination does not represent the family's anticipated asset income.

Valuing Assets

The market value of an asset is its worth in the market (e.g., the amount a buyer would pay for real estate or the total value of an investment account). The cash value of an asset is its market value less all reasonable amounts that would be incurred when converting the asset to cash. Reasonable costs that would be incurred when disposing of an asset include, but are not limited to, penalties for premature withdrawal, broker and legal fees, and settlement costs incurred in real estate transactions [HCV GB, p. 5-28].

Lump-Sum Receipts

Payments that are received in a single lump sum, such as inheritances, capital gains, lottery winnings, insurance settlements, and proceeds from the sale of property, are generally considered assets, not income. However, such lump-sum receipts are counted as assets only if they are retained by a family in a form recognizable as an asset (e.g., deposited in a savings or checking account) [RHIIP FAQs]. (For a discussion of lump-sum payments that represent the delayed start of a periodic payment, most of which are counted as income, see sections 6-I.H and 6-I.I.)

Imputing Income from Assets [24 CFR 5.609(b)(3), Notice PIH 2012-29]

When net family assets are \$5,000 or less, the GRHC will include in annual income the actual income anticipated to be derived from the assets. When the family has net family assets in excess of \$5,000, the GRHC will include in annual income the greater of (1) the actual income derived from the assets or (2) the imputed income. Imputed income from assets is calculated by multiplying the total cash value of all family assets by an average passbook savings rate as determined by the PHA.

- The GRHC will review its passbook rate annually to ensure that it remains within 0.75 percent of the national average.

Determining Actual Anticipated Income from Assets

It may or may not be necessary for the GRHC to use the value of an asset to compute the actual anticipated income from the asset. When the value is required to compute the anticipated income from an asset, the market value of the asset is used. For example, if the asset is a property for which a family receives rental income, the anticipated income is determined by annualizing the actual monthly rental amount received for the property; it is not based on the property's market value. However, if the asset is a savings account, the anticipated income is determined by multiplying the market value of the account by the interest rate on the account.

Withdrawal of Cash or Liquidation of Investments

Any withdrawal of cash or assets from an investment will be included in income except to the extent that the withdrawal reimburses amounts invested by the family. For example, when a family member retires, the amount received by the family from a retirement investment plan is not counted as income until the family has received payments equal to the amount the family member deposited into the retirement investment plan.

Jointly Owned Assets

The regulation at 24 CFR 5.609(a)(4) specifies that annual income includes “amounts derived (during the 12-month period) from assets to which any member of the family has access.”

If an asset is owned by more than one person and any family member has unrestricted access to the asset, the GRHC will count the full value of the asset. A family member has unrestricted access to an asset when he or she can legally dispose of the asset without the consent of any of the other owners.

If an asset is owned by more than one person, including a family member, but the family member does not have unrestricted access to the asset, the GRHC will prorate the asset according to the percentage of ownership. If no percentage is specified or provided for by state or local law, the GRHC will prorate the asset evenly among all owners.

Assets Disposed of for Less than Fair Market Value [24 CFR 5.603(b)]

HUD regulations require the GRHC to count as a current asset any business or family asset that was disposed of for less than fair market value during the two years prior to the effective date of the examination/reexamination, except as noted below.

Minimum Threshold

The *HCV Guidebook* permits the PHA to set a threshold below which assets disposed of for less than fair market value will not be counted [HCV GB, p. 5-27].

The GRHC will not include the value of assets disposed of for less than fair market value unless the cumulative fair market value of all assets disposed of during the past two years exceeds the gross amount received for the assets by more than \$1,000.

When the two-year period expires, the income assigned to the disposed asset(s) also expires. If the two-year period ends between annual recertifications, the family may request an interim recertification to eliminate consideration of the asset(s).

Assets placed by the family in nonrevocable trusts are considered assets disposed of for less than fair market value except when the assets placed in trust were received through settlements or judgments.

Separation or Divorce

All assets disposed of as part of a separation or divorce settlement will be considered assets for which important consideration not measurable in monetary terms has been received. In order to qualify for this exemption, a family member must be subject to a formal separation or divorce settlement agreement established through arbitration, mediation, or court order.

Foreclosure or Bankruptcy

Assets are not considered disposed of for less than fair market value when the disposition is the result of a foreclosure or bankruptcy sale.

Family Declaration

Families must sign a declaration form at initial certification and each annual recertification identifying all assets that have been disposed of for less than fair market value or declaring that no assets have been disposed of for less than fair market value. The GRHC may verify the value of the assets disposed of if other information available to the GRHC does not appear to agree with the information reported by the family.

Types of Assets

Checking and Savings Accounts

For regular checking accounts and savings accounts, *cash value* has the same meaning as *market value*. If a checking account does not bear interest, the anticipated income from the account is zero.

- In determining the value of a checking account, the GRHC will use the current balance.
- In determining the value of a savings accounts, the GRHC will use the current balance.
- In determining the anticipated income from an interest-bearing checking or savings account, the GRHC will multiply the value of the account by the current rate of interest paid on the account.

Investment Accounts Such as Stocks, Bonds, Saving Certificates, and Money Market Funds

Interest or dividends earned by investment accounts are counted as actual income from assets even when the earnings are reinvested. The cash value of such an asset is determined by deducting from the market value any broker fees, penalties for early withdrawal, or other costs of converting the asset to cash.

In determining the market value of an investment account, the GRHC will use the value of the account on the most recent investment report.

How anticipated income from an investment account will be calculated depends on whether the rate of return is known.

- For assets that are held in an investment account with a known rate of return (e.g., savings certificates), asset income will be calculated based on that known rate (market value multiplied by rate of earnings).
- When the anticipated rate of return is not known (e.g., stocks), the GRHC will calculate asset income based on the earnings for the most recent reporting period.

Equity in Real Property or Other Capital Investments

Equity (cash value) in a property or other capital asset is the estimated current market value of the asset less the unpaid balance on all loans secured by the asset and reasonable costs (such as broker fees) that would be incurred in selling the asset [HCV GB, p. 5-25].

In determining the equity, the GRHC will determine market value by examining recent sales of at least three properties in the surrounding or similar neighborhood that possess comparable factors that affect market value.

The GRHC will first use the payoff amount for the loan (mortgage) as the unpaid balance to calculate equity. If the payoff amount is not available, the GRHC will use the basic loan balance information to deduct from the market value in the equity calculation.

Equity in real property and other capital investments is considered in the calculation of asset income **except** for the following types of assets:

- Equity accounts in HUD homeownership programs [24 CFR 5.603(b)]
- The value of a home currently being purchased with assistance under the HCV program Homeownership Option for the first 10 years after the purchase date of the home [24 CFR 5.603(b), Notice PIH 2012-3]
- Equity in owner-occupied cooperatives and manufactured homes in which the family lives [HCV GB, p. 5-25]
- Equity in real property when a family member's main occupation is real estate [HCV GB, p. 5-25]. This real estate is considered a business asset, and income related to this asset will be calculated as described in section 6-I.F.
- Interests in Indian Trust lands [24 CFR 5.603(b)]
- Real property and capital assets that are part of an active business or farming operation [HCV GB, p. 5-25]

The GRHC must also deduct from the equity the reasonable costs for converting the asset to cash. Using the formula for calculating equity specified above, the net cash value of real property is the market value minus the balance of the loan (mortgage) minus the expenses to convert to cash [Notice PIH 2012-3].

For the purposes of calculating expenses to convert to cash for real property, the GRHC will use ten percent of the market value of the home.

A family may have real property as an asset in two ways: (1) owning the property itself and (2) holding a mortgage or deed of trust on the property. In the case of a property owned by a family member, the anticipated asset income generally will be in the form of rent or other payment for the use of the property. If the property generates no income, actual anticipated income from the asset will be zero.

In the case of a mortgage or deed of trust held by a family member, the outstanding balance (unpaid principal) is the cash value of the asset. The interest portion only of payments made to the family in accordance with the terms of the mortgage or deed of trust is counted as anticipated asset income.

In the case of capital investments owned jointly with others not living in a family's unit, a prorated share of the property's cash value will be counted as an asset unless the GRHC determines that the family receives no income from the property and is unable to sell or otherwise convert the asset to cash.

Trusts

A *trust* is a legal arrangement generally regulated by state law in which one party (the creator or grantor) transfers property to a second party (the trustee) who holds the property for the benefit of one or more third parties (the beneficiaries).

Revocable Trusts

If any member of a family has the right to withdraw the funds in a trust, the value of the trust is considered an asset [HCV GB, p. 5-25]. Any income earned as a result of investment of trust funds is counted as actual asset income, whether the income is paid to the family or deposited in the trust.

Nonrevocable Trusts

In cases where a trust is not revocable by, or under the control of, any member of a family, the value of the trust fund is not considered an asset. However, any income distributed to the family from such a trust is counted as a periodic payment or a lump-sum receipt, as appropriate [24 CFR 5.603(b)]. (Periodic payments are covered in section 6-I.H. Lump-sum receipts are discussed earlier in this section.)

Retirement Accounts

Company Retirement/Pension Accounts

In order to correctly include or exclude as an asset any amount held in a company retirement or pension account by an employed person, the GRHC must know whether the money is accessible before retirement [HCV GB, p. 5-26].

While a family member is employed, only the amount the family member can withdraw without retiring or terminating employment is counted as an asset [HCV GB, p. 5-26].

After a family member retires or terminates employment, any amount distributed to the family member is counted as a periodic payment or a lump-sum receipt, as appropriate [HCV GB, p. 5-26], except to the extent that it represents funds invested in the account by the family member. (For more on periodic payments, see section 6-I.H.) The balance in the account is counted as an asset only if it remains accessible to the family member.

IRA, Keogh, and Similar Retirement Savings Accounts

IRA, Keogh, and similar retirement savings accounts are counted as assets even though early withdrawal would result in a penalty [HCV GB, p. 5-25].

Personal Property

Personal property held as an investment, such as gems, jewelry, coin collections, antique cars, etc., is considered an asset [HCV GB, p. 5-25].

In determining the value of personal property held as an investment, the GRHC will use the family's estimate of the value. The PHA may obtain an appraisal to confirm the value of the asset if there is reason to believe that the family's estimated value is off by \$50 or more. The family must cooperate with the appraiser but cannot be charged any costs related to the appraisal.

Generally, personal property held as an investment generates no income until it is disposed of. If regular income is generated (e.g., income from renting the personal property), the amount that is expected to be earned in the coming year is counted as actual income from the asset.

Necessary items of personal property are not considered assets [24 CFR 5.603(b)]. Necessary personal property consists of only those items not held as an investment, and may include clothing, furniture, household furnishings, jewelry, and vehicles, including those specially equipped for persons with disabilities.

Life Insurance

The cash value of a life insurance policy available to a family member before death, such as a whole life or universal life policy, is included in the calculation of the value of the family's assets [HCV GB 5-25]. The cash value is the surrender value. If such a policy earns dividends or interest that the family could elect to receive, the anticipated amount of dividends or interest is counted as income from the asset whether or not the family actually receives it.

6-I.H. PERIODIC PAYMENTS

Periodic payments are forms of income received on a regular basis. HUD regulations specify periodic payments that are and are not included in annual income.

Periodic Payments Included in Annual Income

- Periodic payments from sources such as social security, unemployment and welfare assistance, annuities, insurance policies, retirement funds, and pensions. However, periodic payments from retirement accounts, annuities, and similar forms of investments are counted only after they exceed the amount contributed by the family [24 CFR 5.609(b)(4) and (b)(3)].
- Disability or death benefits and lottery receipts paid periodically, rather than in a single lump sum [24 CFR 5.609(b)(4) and HCV, p. 5-14].

Lump-Sum Payments for the Delayed Start of a Periodic Payment

Most lump-sums received as a result of delays in processing periodic payments, such as unemployment or welfare assistance, are counted as income. However, lump-sum receipts for the delayed start of periodic social security or supplemental security income (SSI) payments are not counted as income. Additionally, any deferred disability benefits that are received in a lump-sum or in prospective monthly amounts from the Department of Veterans Affairs are to be excluded from annual income [24 CFR 5.609(c)(14)].

When a delayed-start payment is received and reported during the period in which the GRHC is processing an annual reexamination, the GRHC will adjust the family share and GRHC subsidy retroactively for the period the payment was intended to cover. The family may pay in full any amount due or request to enter into a repayment agreement with the GRHC.

Treatment of Overpayment Deductions from Social Security Benefits

The GRHC will make a special calculation of annual income when the Social Security Administration (SSA) overpays an individual, resulting in a withholding or deduction from his or her benefit amount until the overpayment is paid in full. The amount and duration of the withholding will vary depending on the amount of the overpayment and the percent of the benefit rate withheld. Regardless of the amount withheld or the length of the withholding period, the GRHC will use the reduced benefit amount after deducting only the amount of the overpayment withholding from the gross benefit amount [Notice PIH 2018-24].

Periodic Payments Excluded from Annual Income

- Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the assisted family, who are unable to live alone) [24 CFR 5.609(c)(2)]. Kinship guardianship assistance payments (Kin-GAP) and other similar guardianship payments are treated the same as foster care payments and are likewise excluded from annual income [Notice PIH 2012-1]. The GRHC will exclude payments for the care of foster children and foster adults only if the care is provided through an official arrangement with a local welfare agency [HCV GB, p. 5-18].
- Amounts paid by a state agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home [24 CFR 5.609(c)(16)].
- Amounts received under the Low-Income Home Energy Assistance Program (42 U.S.C. 1626(c)) [24 CFR 5.609(c)(17)].
- Amounts received under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858q) [24 CFR 5.609(c)(17)].
- Earned Income Tax Credit (EITC) refund payments (26 U.S.C. 32(j)) [24 CFR 5.609(c)(17)].
Note: EITC may be paid periodically if the family elects to receive the amount due as part of payroll payments from an employer.
- Lump-sums received as a result of delays in processing Social Security and SSI payments (see section 6-I.H.) [24 CFR 5.609(c)(14)].
- Lump-sums or prospective monthly amounts received as deferred disability benefits from the Department of Veterans Affairs (VA) [24 CFR 5.609(c)(14)].

6-I.I. PAYMENTS IN LIEU OF EARNINGS

Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay, are counted as income [24 CFR 5.609(b)(5)] if they are received either in the form of periodic payments or in the form of a lump-sum amount or prospective monthly amounts for the delayed start of a periodic payment. If they are received in a one-time lump sum (as a settlement, for instance), they are treated as lump-sum receipts [24 CFR 5.609(c)(3)]. (See also the discussion of periodic payments in section 6-I.H and the discussion of lump-sum receipts in section 6-I.G.)

6-I.J. WELFARE ASSISTANCE

Overview

Welfare assistance is counted in annual income. Welfare assistance includes Temporary Assistance for Needy Families (TANF) and any payments to individuals or families based on need that are made under programs funded separately or jointly by federal, state, or local governments [24 CFR 5.603(b)].

Sanctions Resulting in the Reduction of Welfare Benefits [24 CFR 5.615]

The GRHC will make a special calculation of annual income when the welfare agency imposes certain sanctions on certain families. The full text of the regulation at 24 CFR 5.615 is provided

as Exhibit 6-5. The requirements are summarized below. This rule applies only if a family was receiving HCV assistance at the time the sanction was imposed.

Covered Families

The families covered by 24 CFR 5.615 are those “who receive welfare assistance or other public assistance benefits (‘welfare benefits’) from a State or other public agency (‘welfare agency’) under a program for which Federal, State or local law requires that a member of the family must participate in an economic self-sufficiency program as a condition for such assistance” [24 CFR 5.615(b)]

Imputed Income

When a welfare agency imposes a sanction that reduces a family’s welfare income because the family commits fraud or fails to comply with the agency’s economic self-sufficiency program or work activities requirement, the GRHC will include in annual income “imputed” welfare income. The GRHC will request that the welfare agency provide the reason for the reduction of benefits and the amount of the reduction of benefits. The imputed welfare income is the amount that the benefits were reduced as a result of the sanction.

This requirement does not apply to reductions in welfare benefits: (1) at the expiration of the lifetime or other time limit on the payment of welfare benefits, (2) if a family member is unable to find employment even though the family member has complied with the welfare agency economic self-sufficiency or work activities requirements, or (3) because a family member has not complied with other welfare agency requirements [24 CFR 5.615(b)(2)].

Offsets

The amount of the imputed welfare income is offset by the amount of additional income the family begins to receive after the sanction is imposed. When the additional income equals or exceeds the imputed welfare income, the imputed income is reduced to zero [24 CFR 5.615(c)(4)].

6-I.K. PERIODIC AND DETERMINABLE ALLOWANCES [24 CFR 5.609(b)(7)]

Annual income includes periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or from persons not residing with an assisted family.

Alimony and Child Support

The GRHC will count alimony or child support amounts awarded as part of a divorce or separation agreement, unless the GRHC verifies that: (1) the payments are not being made, and (2) the family has made reasonable efforts to collect amounts due, including filing with courts or agencies responsible for enforcing payments [HCV GB, pp. 5-23 and 5-47].

Families who do not have court-awarded alimony and child support awards are not required to seek a court award and are not required to take independent legal action to obtain collection.

Regular Contributions or Gifts

The GRHC will count as income regular monetary and nonmonetary contributions or gifts from persons not residing with an assisted family [24 CFR 5.609(b)(7)]. Temporary, nonrecurring, or sporadic income and gifts are not counted [24 CFR 5.609(c)(9)].

Examples of regular contributions include: (1) regular payment of a family's bills (e.g., utilities, telephone, rent, credit cards, and car payments), (2) cash or other liquid assets provided to any family member on a regular basis, and (3) "in-kind" contributions such as groceries and clothing provided to a family on a regular basis.

Nonmonetary contributions will be valued at the cost of purchasing the items, as determined by the GRHC. For contributions that may vary from month to month (e.g., utility payments), the GRHC will include an average amount based upon past history.

6-I.L. STUDENT FINANCIAL ASSISTANCE [24 CFR 5.609(b)(9); Notice PIH 2015-21]

In 2005, Congress passed a law (for Section 8 programs only) requiring that certain student financial assistance be included in annual income. Prior to that, the full amount of student financial assistance was excluded. For some students, the full exclusion still applies.

Student Financial Assistance Included in Annual Income [24 CFR 5.609(b)(9); FR 4/10/06; Notice PIH 2015-21]

The regulation requiring the inclusion of certain student financial assistance applies only to students who satisfy all of the following conditions:

- They are enrolled in an institution of higher education, as defined under the Higher Education Act (HEA) of 1965.
- They are seeking or receiving Section 8 assistance on their own—that is, apart from their parents—through the HCV program, the project-based voucher program, or the moderate rehabilitation program.
- They are under 24 years of age **OR** they have no dependent children.

For students who satisfy these three conditions, any financial assistance in excess of tuition and any other required fees and charges received: (1) under the 1965 HEA, (2) from a private source, or (3) from an institution of higher education, as defined under the 1965 HEA, must be included in annual income.

To determine annual income in accordance with the above requirements, the GRHC will use the definitions of *dependent child*, *institution of higher education*, and *parents* in section 3-II.E, along with the following definitions [FR 4/10/06, pp. 18148-18150]:

- *Assistance under the Higher Education Act of 1965* includes Pell Grants, Federal Supplement Educational Opportunity Grants, Academic Achievement Incentive Scholarships, State Assistance under the Leveraging Educational Assistance Partnership Program, the Robert G. Byrd Honors Scholarship Program, and Federal Work Study programs.
- *Assistance from private sources* means assistance from nongovernmental sources, including parents, guardians, and other persons not residing with the student in an HCV assisted unit.
- *Tuition and fees* are defined in the same manner in which the Department of Education defines *tuition and fees* [Notice PIH 2015-21].
 - This is the amount of tuition and required fees covering a full academic year most frequently charged to students.

- The amount represents what a typical student would be charged and may not be the same for all students at an institution.
- If tuition is charged on a per-credit-hour basis, the average full-time credit hour load for an academic year is used to estimate average tuition.
- Required fees include all fixed-sum charges that are required of a large proportion of all students. Examples include, but are not limited to, writing and science lab fees and fees specific to the student's major or program (i.e., nursing program).
- Expenses related to attending an institution of higher education must **not** be included as tuition. Examples include, but are not limited to, room and board, books, supplies, meal plans, transportation and parking, student health insurance plans, and other non-fixed-sum charges.

Student Financial Assistance Excluded from Annual Income [24 CFR 5.609(c)(6)]

Any student financial assistance not subject to inclusion under 24 CFR 5.609(b)(9) is fully excluded from annual income under 24 CFR 5.609(c)(6), whether it is paid directly to the student or to the educational institution the student is attending. This includes any financial assistance received by:

- Students residing with parents who are seeking or receiving Section 8 assistance
- Students who are enrolled in an educational institution that does **not** meet the 1965 HEA definition of *institution of higher education*
- Students who are over 23 **AND** have at least one dependent child, as defined in section 3-II.E
- Students who are receiving financial assistance through a governmental program not authorized under the 1965 HEA.

6-I.M. ADDITIONAL EXCLUSIONS FROM ANNUAL INCOME

Other exclusions contained in 24 CFR 5.609(c) that have not been discussed earlier in this chapter include the following:

- Reimbursement of medical expenses [24 CFR 5.609(c)(4)]
- Amounts received by participants in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred and which are made solely to allow participation in a specific program [24 CFR 5.609(c)(8)(iii)]
- Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS) [(24 CFR 5.609(c)(8)(ii)]
- Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era [24 CFR 5.609(c)(10)]
- Adoption assistance payments in excess of \$480 per adopted child [24 CFR 5.609(c)(12)]
- Refunds or rebates on property taxes paid on the dwelling unit [24 CFR 5.609(c)(15)]

- Amounts paid by a state agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home [24 CFR 5.609(c)(16)]
- Amounts specifically excluded by any other federal statute [24 CFR 5.609(c)(17), FR Notice 5/20/14]. HUD publishes an updated list of these exclusions periodically. It includes:
 - (a) The value of the allotment provided to an eligible household under the Food Stamp Act of 1977 (7 U.S.C. 2017 (b))
 - (b) Benefits under Section 1780 of the School Lunch Act and Child Nutrition Act of 1966, including WIC
 - (c) Payments to volunteers under the Domestic Volunteer Services Act of 1973 (42 U.S.C. 5044(g), 5058)
 - (d) Payments received under the Alaska Native Claims Settlement Act (43 U.S.C. 1626(c))
 - (e) Income derived from certain submarginal land of the United States that is held in trust for certain Indian tribes (25 U.S.C. 459e)
 - (f) Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program (42 U.S.C. 8624(f))
 - (g) Payments received under programs funded in whole or in part under the Workforce Investment Act of 1998 (29 U.S.C. 2931)
 - (h) Deferred disability benefits from the Department of Veterans Affairs, whether received as a lump sum or in monthly prospective amounts
 - (i) Income derived from the disposition of funds to the Grand River Band of Ottawa Indians (Pub. L. 94-540, 90 Stat. 2503-04)
 - (j) Payments, funds, or distributions authorized, established, or directed by the Seneca Nation Settlement Act of 1990 (25 U.S.C. 1774f(b))
 - (k) A lump sum or periodic payment received by an individual Indian pursuant to the Class Action Settlement Agreement in the United States District Court case entitled *Elouise Cobell et al. v. Ken Salazar et al.*, for a period of one year from the time of receipt of that payment as provided in the Claims Resolution Act of 2010
 - (l) The first \$2,000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the U. S. Claims Court, the interests of individual Indians in trust or restricted lands, including the first \$2,000 per year of income received by individual Indians from funds derived from interests held in such trust or restricted lands (25 U.S.C. 1407-1408)
 - (m) Benefits under the Indian Veterans Housing Opportunity Act of 2010 (only applies to Native American housing programs)
 - (n) Payments received from programs funded under Title V of the Older Americans Act of 1985 (42 U.S.C. 3056(f))

- (o) Payments received on or after January 1, 1989, from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in *In Re Agent Orange* product liability litigation, M.D.L. No. 381 (E.D.N.Y.)
- (p) Payments received under 38 U.S.C. 1833(c) to children of Vietnam veterans born with spinal bifida, children of women Vietnam veterans born with certain birth defects, and children of certain Korean service veterans born with spinal bifida
- (q) Payments received under the Maine Indian Claims Settlement Act of 1980 (25 U.S.C. 1721)
- (r) The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858q)
- (s) Earned income tax credit (EITC) refund payments received on or after January 1, 1991 (26 U.S.C. 32(j))
- (t) Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation (Pub. L. 95-433)
- (u) Amounts of scholarships funded under Title IV of the Higher Education Act of 1965j, including awards under federal work-study programs or under the Bureau of Indian Affairs student assistance programs (20 U.S.C. 1087uu). For Section 8 programs, the exception found in § 237 of Public Law 109–249 applies and requires that the amount of financial assistance in excess of tuition and mandatory fees shall be considered income in accordance with the provisions codified at 24 CFR 5.609(b)(9), except for those persons with disabilities as defined by 42 U.S.C. 1437a(b)(3)(E) (Pub. L. 109–249) (See Section 6-I.L. for exceptions.)
- (v) Allowances, earnings and payments to AmeriCorps participants under the National and Community Service Act of 1990 (42 U.S.C. 12637(d))
- (w) Any amount of crime victim compensation (under the Victims of Crime Act) received through crime victim assistance (or payment or reimbursement of the cost of such assistance) as determined under the Victims of Crime Act because of the commission of a crime against the applicant under the Victims of Crime Act (42 U.S.C. 10602)
- (x) Any amounts in an "individual development account" as provided by the Assets for Independence Act, as amended in 2002
- (y) Payments made from the proceeds of Indian tribal trust cases as described in Notice PIH 2013–30, "Exclusion from Income of Payments under Recent Tribal Trust Settlements" (25 U.S.C. 117b(a))
- (z) Major disaster and emergency assistance received under the Robert T. Stafford Disaster Relief and Emergency Assistance Act and comparable disaster assistance provided by states, local governments, and disaster assistance organizations
- (aa) Distributions from an ABLE account, and actual or imputed interest on the ABLE account balance

PART II: ADJUSTED INCOME

6-II.A. INTRODUCTION

Overview

HUD regulations require the GRHC to deduct from annual income any of five mandatory deductions for which a family qualifies. The resulting amount is the family's adjusted income. Mandatory deductions are found in 24 CFR 5.611.

5.611(a) Mandatory deductions. In determining adjusted income, the responsible entity [PHA] must deduct the following amounts from annual income:

- (1) \$480 for each dependent;
- (2) \$400 for any elderly family or disabled family;
- (3) The sum of the following, to the extent the sum exceeds three percent of annual income:
 - (i) Unreimbursed medical expenses of any elderly family or disabled family;
 - (ii) Unreimbursed reasonable attendant care and auxiliary apparatus expenses for each member of the family who is a person with disabilities, to the extent necessary to enable any member of the family (including the member who is a person with disabilities) to be employed. This deduction may not exceed the earned income received by family members who are 18 years of age or older and who are able to work because of such attendant care or auxiliary apparatus; and
- (4) Any reasonable child care expenses necessary to enable a member of the family to be employed or to further his or her education.

This part covers policies related to these mandatory deductions. Verification requirements related to these deductions are found in Chapter 7.

Anticipating Expenses

Generally, the GRHC will use current circumstances to anticipate expenses. When possible, for costs that are expected to fluctuate during the year (e.g., child care during school and nonschool periods and cyclical medical expenses), the GRHC will estimate costs based on historic data and known future costs.

If a family has an accumulated debt for medical or disability assistance expenses, the GRHC will include as an eligible expense the portion of the debt that the family expects to pay during the period for which the income determination is being made. However, amounts previously deducted will not be allowed even if the amounts were not paid as expected in a preceding period. The GRHC may require the family to provide documentation of payments made in the preceding year.

6-II.B. DEPENDENT DEDUCTION

An allowance of \$480 is deducted from annual income for each dependent [24 CFR 5.611(a)(1)]. *Dependent* is defined as any family member other than the head, spouse, or cohead who is under the age of 18 or who is 18 or older and is a person with disabilities or a full-time student. Foster children, foster adults, and live-in aides are never considered dependents [24 CFR 5.603(b)].

6-II.C. ELDERLY OR DISABLED FAMILY DEDUCTION

A single deduction of \$400 is taken for any elderly or disabled family [24 CFR 5.611(a)(2)]. An *elderly family* is a family whose head, spouse, cohead, or sole member is 62 years of age or older, and a *disabled family* is a family whose head, spouse, cohead, or sole member is a person with disabilities [24 CFR 5.403].

6-II.D. MEDICAL EXPENSES DEDUCTION [24 CFR 5.611(a)(3)(i)]

Unreimbursed medical expenses may be deducted to the extent that, in combination with any disability assistance expenses, they exceed three percent of annual income.

The medical expense deduction is permitted only for families in which the head, spouse, or cohead is at least 62 or is a person with disabilities. If a family is eligible for a medical expense deduction, the medical expenses of all family members are counted [VG, p. 28].

Definition of *Medical Expenses*

HUD regulations define *medical expenses* at 24 CFR 5.603(b) to mean “medical expenses, including medical insurance premiums, that are anticipated during the period for which annual income is computed, and that are not covered by insurance.” The most current IRS Publication 502, *Medical and Dental Expenses*, will be used as a reference to determine the costs that qualify as medical expenses.

| Summary of Allowable Medical Expenses from IRS Publication 502 | |
|--|---|
| Services of medical professionals | Psychiatric treatment |
| Surgery and medical procedures that are necessary, legal, noncosmetic | Ambulance services and some costs of transportation related to medical expenses |
| Services of medical facilities | The cost and care of necessary equipment related to a medical condition (e.g., eyeglasses/lenses, hearing aids, crutches, and artificial teeth) |
| Hospitalization, long-term care, and in-home nursing services | Cost and continuing care of necessary service animals |
| Prescription medicines and insulin, but <u>not</u> nonprescription medicines even if recommended by a doctor | Medical insurance premiums or the cost of a health maintenance organization (HMO) |
| Improvements to housing directly related to medical needs (e.g., ramps for a wheel chair, handrails) | |
| Substance abuse treatment programs | |

Note: This chart provides a summary of eligible medical expenses only. Detailed information is provided in IRS Publication 502. Medical expenses are considered only to the extent they are not reimbursed by insurance or some other source.

Families That Qualify for Both Medical and Disability Assistance Expenses

This policy applies only to families in which the head, spouse, or cohead is 62 or older or is a person with disabilities.

When expenses anticipated by a family could be defined as either medical or disability assistance expenses, the GRHC will consider them medical expenses unless it is clear that the expenses are incurred exclusively to enable a person with disabilities to work.

6-II.E. DISABILITY ASSISTANCE EXPENSES DEDUCTION [24 CFR 5.603(b) and 24 CFR 5.611(a)(3)(ii)]

Reasonable expenses for attendant care and auxiliary apparatus for a disabled family member may be deducted if they: (1) are necessary to enable a family member 18 years or older to work, (2) are not paid to a family member or reimbursed by an outside source, (3) in combination with any medical expenses, exceed three percent of annual income, and (4) do not exceed the earned income received by the family member who is enabled to work.

Earned Income Limit on the Disability Assistance Expense Deduction

A family can qualify for the disability assistance expense deduction only if at least one family member (who may be the person with disabilities) is enabled to work [24 CFR 5.603(b)].

The disability expense deduction is capped by the amount of “earned income received by family members who are 18 years of age or older and who are able to work” because of the expense [24 CFR 5.611(a)(3)(ii)]. The earned income used for this purpose is the amount verified before any earned income disallowances or income exclusions are applied.

The family must identify the family members enabled to work as a result of the disability assistance expenses. In evaluating the family’s request, the GRHC will consider factors such as how the work schedule of the relevant family members relates to the hours of care provided, the time required for transportation, the relationship of the family members to the person with disabilities, and any special needs of the person with disabilities that might determine which family members are enabled to work.

When the GRHC determines that the disability assistance expenses enable more than one family member to work, the expenses will be capped by the sum of the family members’ incomes.

Eligible Disability Expenses

Examples of auxiliary apparatus are provided in the *HCV Guidebook* as follows: “Auxiliary apparatus are items such as wheelchairs, ramps, adaptations to vehicles, or special equipment to enable a blind person to read or type, but only if these items are directly related to permitting the disabled person or other family member to work” [HCV GB, p. 5-30].

Eligible Auxiliary Apparatus

Expenses incurred for maintaining or repairing an auxiliary apparatus are eligible. In the case of an apparatus that is specially adapted to accommodate a person with disabilities (e.g., a vehicle

or computer), the cost to maintain the special adaptations (but not maintenance of the apparatus itself) is an eligible expense. The cost of service animals trained to give assistance to persons with disabilities, including the cost of acquiring the animal, veterinary care, food, grooming, and other continuing costs of care, will be included.

Eligible Attendant Care

Attendant care includes, but is not limited to, reasonable costs for home medical care, nursing services, in-home or center-based care services, interpreters for persons with hearing impairments, and readers for persons with visual disabilities.

Attendant care expenses will be included for the period that the person enabled to work is employed plus reasonable transportation time. The cost of general housekeeping and personal services is not an eligible attendant care expense. However, if the person enabled to work is the person with disabilities, personal services necessary to enable the person with disabilities to work are eligible.

If the care attendant also provides other services to the family, the GRHC will prorate the cost and allow only that portion of the expenses attributable to attendant care that enables a family member to work. For example, if the care provider also cares for a child who is not the person with disabilities, the cost of care must be prorated. Unless otherwise specified by the care provider, the calculation will be based upon the number of hours spent in each activity and/or the number of persons under care.

Payments to Family Members

No disability assistance expenses may be deducted for payments to a member of an assisted family [24 CFR 5.603(b)]. However, expenses paid to a relative who is not a member of the assisted family may be deducted if they are not reimbursed by an outside source.

Necessary and Reasonable Expenses

The GRHC determines the reasonableness of the expenses based on typical costs of care or apparatus in the locality. To establish typical costs, the GRHC will collect information from organizations that provide services and support to persons with disabilities. A family may present, and the GRHC will consider, the family's justification for costs that exceed typical costs in the area. The family must certify that the disability assistance expenses are necessary and are not paid or reimbursed by any other source.

Families That Qualify for Both Medical and Disability Assistance Expenses

This policy applies only to families in which the head or spouse is 62 or older or is a person with disabilities.

When expenses anticipated by a family could be defined as either medical or disability assistance expenses, the GRHC will consider them medical expenses unless it is clear that the expenses are incurred exclusively to enable a person with disabilities to work.

6-II.F. CHILD CARE EXPENSE DEDUCTION

HUD defines *child care expenses* at 24 CFR 5.603(b) as "amounts anticipated to be paid by the family for the care of children under 13 years of age during the period for which annual income is computed, but only where such care is necessary to enable a family member to actively seek

employment, be gainfully employed, or to further his or her education and only to the extent such amounts are not reimbursed. The amount deducted shall reflect reasonable charges for child care. In the case of child care necessary to permit employment, the amount deducted shall not exceed the amount of employment income that is included in annual income.”

Clarifying the Meaning of *Child* for This Deduction

Child care expenses do not include child support payments made to another on behalf of a minor who is not living in an assisted family’s household [VG, p. 26]. However, child care expenses for foster children that are living in the assisted family’s household are included when determining the family’s child care expenses [HCV GB, p. 5-29].

Qualifying for the Deduction

Determining Who Is Enabled to Pursue an Eligible Activity

The family must identify the family member(s) enabled to pursue an eligible activity. The term *eligible activity* in this section means any of the activities that may make the family eligible for a child care deduction (seeking work, pursuing an education, or being gainfully employed).

In evaluating the family’s request, the GRHC will consider factors such as how the schedule for the claimed activity relates to the hours of care provided, the time required for transportation, the relationship of the family member(s) to the child, and any special needs of the child that might help determine which family member is enabled to pursue an eligible activity.

Seeking Work

If the childcare expense being claimed is to enable a family member to seek employment, the family must provide evidence of the family member’s efforts to obtain employment at each reexamination. The deduction may be reduced or denied if the family member’s job search efforts are not commensurate with the child care expense being allowed by the GRHC.

Furthering Education

If the child care expense being claimed is to enable a family member to further his or her education, the member must be enrolled in school (academic or vocational) or participating in a formal training program. The family member is not required to be a full-time student, but the time spent in educational activities must be commensurate with the child care claimed.

Being Gainfully Employed

If the childcare expense being claimed is to enable a family member to be gainfully employed, the family must provide evidence of the family member’s employment during the time that childcare is being provided. Gainful employment is any legal work activity (full- or part-time) for which a family member is compensated.

Earned Income Limit on Child Care Expense Deduction

When a family member looks for work or furthers his or her education, there is no cap on the amount that may be deducted for childcare – although the care must still be necessary and reasonable. However, when childcare enables a family member to work, the deduction is capped by “the amount of employment income that is included in annual income” [24 CFR 5.603(b)]. When the childcare expense being claimed is to enable a family member to work, only one family member’s income will be considered for a given period of time. When more than one

family member works during a given period, the GRHC generally will limit allowable childcare expenses to the earned income of the lowest-paid member. The family may provide information that supports a request to designate another family member as the person enabled to work.

The earned income used for this purpose is the amount of earned income verified after any earned income disallowances or income exclusions are applied.

When the person who is enabled to work is a person with disabilities who receives the earned income disallowance (EID) or a full-time student whose earned income above \$480 is excluded, childcare costs related to enabling a family member to work may not exceed the portion of the person's earned income that actually is included in annual income. For example, if a family member who qualifies for the EID makes \$15,000 but because of the EID only \$5,000 is included in annual income, childcare expenses are limited to \$5,000.

The GRHC will not limit the deduction to the least expensive type of childcare. If the care allows the family to pursue more than one eligible activity, including work, the cap is calculated in proportion to the amount of time spent working [HCV GB, p. 5-30].

Eligible Child Care Expenses

The type of care to be provided is determined by the assisted family. The GRHC will not refuse to give a family the child care expense deduction because there is an adult family member in the household that may be available to provide child care [VG, p. 26].

Allowable Child Care Activities

For school-age children, costs attributable to public or private school activities during standard school hours are not considered. Expenses incurred for supervised activities after school or during school holidays (e.g., summer day camp, after-school sports league) are allowable forms of child care.

The costs of general housekeeping and personal services are not eligible. Likewise, child care expenses paid to a family member who lives in the family's unit are not eligible; however, payments for child care to relatives who do not live in the unit are eligible.

If a childcare provider also renders other services to a family or childcare is used to enable a family member to conduct activities that are not eligible for consideration, the GRHC will prorate the costs and allow only that portion of the expenses that is attributable to child care for eligible activities. For example, if the care provider also cares for a child with disabilities who is 13 or older, the cost of care will be prorated. Unless otherwise specified by the childcare provider, the calculation will be based upon the number of hours spent in each activity and/or the number of persons under care.

Necessary and Reasonable Costs

Childcare expenses will be considered necessary if: (1) a family adequately explains how the care enables a family member to work, actively seek employment, or further his or her education, and (2) the family certifies, and the childcare provider verifies, that the expenses are not paid or reimbursed by any other source.

Childcare expenses will be considered for the time required for the eligible activity plus reasonable transportation time. For childcare that enables a family member to go to school, the time allowed may include not more than one study hour for each hour spent in class.

To establish the reasonableness of childcare costs, the GRHC will use the schedule of childcare costs from a qualified local entity that either subsidizes child care costs or licenses child care providers. Families may present, and the GRHC will consider, justification for costs that exceed typical costs in the area.

PART III: CALCULATING FAMILY SHARE AND PHA SUBSIDY

6-III.A. OVERVIEW OF RENT AND SUBSIDY CALCULATIONS

TTP Formula [24 CFR 5.628]

HUD regulations specify the formula for calculating the total tenant payment (TTP) for an assisted family. TTP is the highest of the following amounts, rounded to the nearest dollar:

- 30 percent of the family's monthly adjusted income (adjusted income is defined in Part II)
- 10 percent of the family's monthly gross income (annual income, as defined in Part I, divided by 12)
- The welfare rent (in as-paid states only)
- A minimum rent between \$0 and \$50 that is established by the GRHC

The GRHC has authority to suspend and exempt families from minimum rent when a financial hardship exists, as defined in section 6-III.B.

The amount that a family pays for rent and utilities (the family share) will never be less than the family's TTP but may be greater than the TTP depending on the rent charged for the unit the family selects.

Welfare Rent [24 CFR 5.628]

Welfare rent does not apply in this locality.

Minimum Rent [24 CFR 5.630]

The minimum rent for this locality is \$50, including VASH voucher holders.

Family Share [24 CFR 982.305(a)(5)]

If a family chooses a unit with a gross rent (rent to owner plus an allowance for tenant-paid utilities) that exceeds the GRHC's applicable payment standard: (1) the family will pay more than the TTP, and (2) at initial occupancy the GRHC may not approve the tenancy if it would require the family share to exceed 40 percent of the family's monthly adjusted income. The income used for this determination must have been verified no earlier than 60 days before the family's voucher was issued. (For a discussion of the application of payment standards, see section 6-III.C.)

GRHC Subsidy [24 CFR 982.505(b)]

The GRHC will pay a monthly housing assistance payment (HAP) for a family that is equal to the lower of (1) the applicable payment standard for the family minus the family's TTP or (2) the gross rent for the family's unit minus the TTP. (For a discussion of the application of payment standards, see section 6-III.C.)

Utility Reimbursement [24 CFR 982.514(b); 982.514(c)]

When the GRHC subsidy for a family exceeds the rent to owner, the family is due a utility reimbursement. The GRHC will make utility reimbursements to the family. The GRHC will issue all utility reimbursements monthly.

6-III.B. FINANCIAL HARDSHIPS AFFECTING MINIMUM RENT [24 CFR 5.630]

Overview

The financial hardship exemption applies only to families required to pay the minimum rent. If a family's TTP is higher than the minimum rent, the family is not eligible for a hardship exemption. If the PHA determines that a hardship exists, the family share is the highest of the remaining components of the family's calculated TTP.

HUD-Defined Financial Hardship

Financial hardship includes the following situations:

- (1) The family has lost eligibility for or is awaiting an eligibility determination for a federal, state, or local assistance program. This includes a family member who is a noncitizen lawfully admitted for permanent residence under the Immigration and Nationality Act who would be entitled to public benefits but for Title IV of the Personal Responsibility and Work Opportunity Act of 1996.

A hardship will be considered to exist only if the loss of eligibility has an impact on the family's ability to pay the minimum rent.

For a family waiting for a determination of eligibility, the hardship period will end as of the first of the month following: (1) implementation of assistance, if approved, or (2) the decision to deny assistance. A family whose request for assistance is denied may request a hardship exemption based upon one of the other allowable hardship circumstances.

- (2) The family would be evicted because it is unable to pay the minimum rent. For a family to qualify under this provision, the cause of the potential eviction must be the family's failure to pay rent to the owner or tenant-paid utilities.
- (3) Family income has decreased because of changed family circumstances, including the loss of employment.
- (4) A death has occurred in the family. In order to qualify under this provision, a family must describe how the death has created a financial hardship (e.g., because of funeral-related expenses or the loss of the family member's income).

Implementation of Hardship Exemption

Determination of Hardship

When a family requests a financial hardship exemption, the GRHC will suspend the minimum rent requirement beginning the first of the month following the family's request.

The GRHC will determine whether the financial hardship exists and whether the hardship is temporary or long-term. The GRHC defines temporary hardship as a hardship expected to last 90 calendar days or less. Long-term hardship is defined as a hardship expected to last more than 90 calendar days.

When the minimum rent is suspended, the family share reverts to the highest of the remaining components of the calculated TTP. The example below demonstrates the effect of the minimum rent exemption.

| <p align="center">Example: Impact of Minimum Rent Exemption</p> <p align="center">Assume the PHA has established a minimum rent of \$50.</p> | |
|---|---|
| Family Share – No Hardship | Family Share – With Hardship |
| \$0 30% of monthly adjusted income | \$0 30% of monthly adjusted income |
| \$15 10% of monthly gross income | \$15 10% of monthly gross income |
| N/A Welfare rent | N/A Welfare rent |
| \$50 Minimum rent | \$50 Minimum rent |
| Minimum rent applies. TTP = \$50 | Hardship exemption granted. TTP = \$15 |

To qualify for a hardship exemption, a family must submit a request for a hardship exemption in writing. The request must explain the nature of the hardship and how the hardship has affected the family's ability to pay the minimum rent.

The GRHC will make the determination of hardship within 30 calendar days.

No Financial Hardship

If the GRHC determines there is no financial hardship, the GRHC will reinstate the minimum rent and require the family to repay the amounts suspended. The GRHC will require the family to repay the suspended amount within 30 calendar days of the GRHC's notice that a hardship exemption has not been granted.

Temporary Hardship

If the GRHC determines that a qualifying financial hardship is temporary, the GRHC will suspend the minimum rent for the 90-day period beginning the first of the month following the date of the family's request for a hardship exemption.

At the end of the 90-day suspension period, the family must resume payment of the minimum rent and must repay the GRHC the amounts suspended. The GRHC will enter into a repayment agreement in accordance with the procedures found in Chapter 16 of this plan. The GRHC also may determine that circumstances have changed, and the hardship is now a long-term hardship.

Long-Term Hardship

If the GRHC determines that the financial hardship is long-term, the GRHC will exempt the family from the minimum rent requirement for so long as the hardship continues. The exemption will apply from the first of the month following the family's request until the end of the qualifying hardship. When the financial hardship has been determined to be long-term, the family is not required to repay the minimum rent.

The hardship period ends when any of the following circumstances apply:

- At an interim or annual reexamination, the family's calculated TTP is greater than the minimum rent.
- For hardship conditions based on loss of income, the hardship condition will continue to be recognized until new sources of income are received that are at least equal to the

amount lost. For example, if a hardship is approved because a family no longer receives a \$60/month child support payment, the hardship will continue to exist until the family receives at least \$60/month in income from another source or once again begins to receive the child support.

- For hardship conditions based upon hardship-related expenses, the minimum rent exemption will continue to be recognized until the cumulative amount exempted is equal to the expense incurred.

6-III.C. APPLYING PAYMENT STANDARDS [24 CFR 982.505; 982.503(b)]

Overview

The GRHC's schedule of payment standards is used to calculate housing assistance payments for HCV families. This section covers the application of the GRHC's payment standards. The establishment and revision of the GRHC's payment standard schedule are covered in Chapter 16.

Payment standard is defined as "the maximum monthly assistance payment for a family assisted in the voucher program (before deducting the total tenant payment by the family)" [24 CFR 982.4(b)].

The payment standard for a family is the lower of (1) the payment standard for the family unit size, which is defined as the appropriate number of bedrooms for the family under the PHA's subsidy standards [24 CFR 982.4(b)], or (2) the payment standard for the size of the dwelling unit rented by the family.

The GRHC is required to pay a monthly housing assistance payment (HAP) for a family that is the lower of (1) the payment standard for the family minus the family's TTP or (2) the gross rent for the family's unit minus the TTP.

If during the term of the HAP contract for a family's unit, the owner lowers the rent, the GRHC will recalculate the HAP using the lower of the initial payment standard or the gross rent for the unit [HCV GB, p. 7-8].

Changes in Payment Standards

When the GRHC revises its payment standards during the term of the HAP contract for a family's unit, it will apply the new payment standards in accordance with HUD regulations.

Decreases

If a GRHC changes its payment standard schedule resulting in a lower payment standard amount, during the term of a HAP contract, the GRHC will not reduce the payment standard used to calculate subsidy for families under HAP contract as long as the HAP contract remains in effect. The GRHC will not establish different policies for decreases in the payment standard for designated areas within their jurisdiction.

Increases

If the payment standard is increased during the term of the HAP contract, the increased payment standard will be used to calculate the monthly housing assistance payment for the family beginning on the effective date of the family's first regular reexamination on or after the effective date of the increase in the payment standard. Families requiring or requesting interim

reexaminations will not have their HAP payments calculated using the higher payment standard until their next annual reexamination [HCV GB, p. 7-8].

Changes in Family Unit Size (Voucher Size)

Irrespective of any increase or decrease in the payment standard, if the family unit size increases or decreases during the HAP contract term, the new family unit size must be used to determine the payment standard for the family beginning at the family's first regular reexamination following the change in family unit size.

Reasonable Accommodation

If a family requires a higher payment standard as a reasonable accommodation for a family member who is a person with disabilities, the GRHC is allowed to establish a higher payment standard for the family of not more than 120 percent of the published FMR.

6-III.D. APPLYING UTILITY ALLOWANCES [24 CFR 982.517]

Overview

A GRHC-established utility allowance schedule is used in determining family share and GRHC subsidy. A family's utility allowance is determined by the size of dwelling unit leased by a family or the voucher unit size for which the family qualifies using GRHC subsidy standards, whichever is the lowest of the two. See Chapter 5 for information on the GRHC's subsidy standards.

For policies on establishing and updating utility allowances, see Chapter 16.

Reasonable Accommodation

HCV program regulations requires the GRHC to approve a utility allowance amount higher than shown on the GRHC's schedule if a higher allowance is needed as a reasonable accommodation for a family member with a disability. For example, if a family member with a disability requires such an accommodation, the GRHC will approve an allowance for air-conditioning, even if the GRHC has determined that an allowance for air-conditioning generally is not needed.

The family must request the higher allowance and provide the GRHC with an explanation of the need for the reasonable accommodation and information about the amount of additional allowance required [HCV GB, p. 18-8].

Utility Allowance Revisions

At reexamination, the GRHC will use the current utility allowance schedule [HCV GB, p. 18-8].

6-III.E. PRORATED ASSISTANCE FOR MIXED FAMILIES [24 CFR 5.520]

HUD regulations prohibit assistance to ineligible family members. A *mixed family* is one that includes at least one U.S. citizen or eligible immigrant and any number of ineligible family members. The PHA must prorate the assistance provided to a mixed family. The PHA will first determine assistance as if all family members were eligible and then prorate the assistance based upon the percentage of family members that actually are eligible. For example, if the PHA subsidy for a family is calculated at \$500 and two of four family members are ineligible, the PHA subsidy would be reduced to \$250.

EXHIBIT 6-1: ANNUAL INCOME INCLUSIONS

24 CFR 5.609

(a) Annual income means all amounts, monetary or not, which:

- (1) Go to, or on behalf of, the family head or spouse (even if temporarily absent) or to any other family member; or
- (2) Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and
- (3) Which are not specifically excluded in paragraph (c) of this section.
- (4) Annual income also means amounts derived (during the 12-month period) from assets to which any member of the family has access.

(b) Annual income includes, but is not limited to:

- (1) The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services;
- (2) The net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family;

(3) Interest, dividends, and other net income of any kind from real or personal property.

Expenditures for amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation is permitted only as authorized in paragraph (b)(2) of this section. Any withdrawal of cash or assets from an investment will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has net family assets in excess of \$5,000, annual income shall include the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD;

(4) The full amount of periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount (except as provided in paragraph (c)(14) of this section);

(5) Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay (except as provided in paragraph (c)(3) of this section);

(6) Welfare assistance payments.

(i) Welfare assistance payments made under the Temporary Assistance for Needy Families (TANF) program are included in annual income only to the extent such payments:

(A) Qualify as assistance under the TANF program definition at 45 CFR 260.31¹; and

(B) Are not otherwise excluded under paragraph (c) of this section.

(ii) If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income shall consist of:

(A) The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus

(B) The maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this paragraph shall be the amount resulting from one application of the percentage.

(7) Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or from persons not residing in the dwelling;

(8) All regular pay, special pay and allowances of a member of the Armed Forces (except as provided in paragraph (c)(7) of this section)

(9) For section 8 programs only and as provided in 24 CFR 5.612, any financial assistance, in excess of amounts received for tuition, that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or from an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except that financial assistance described in this paragraph is not considered annual income for persons over the age of 23 with dependent children. For purposes of this paragraph, "financial assistance" does not include loan proceeds for the purpose of determining income.

HHS DEFINITION OF "ASSISTANCE"

45 CFR: GENERAL TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

260.31 What does the term "assistance" mean?

(a)(1) The term "assistance" includes cash, payments, vouchers, and other forms of benefits designed to meet a family's ongoing basic needs (i.e., for food, clothing, shelter, utilities, household goods, personal care items, and general incidental expenses).

(2) It includes such benefits even when they are:

(i) Provided in the form of payments by a TANF agency, or other agency on its behalf, to individual recipients; and

(ii) Conditioned on participation in work experience or community service (or any other work activity under 261.30 of this chapter).

¹ Text of 45 CFR 260.31 follows.

(3) Except where excluded under paragraph (b) of this section, it also includes supportive services such as transportation and child care provided to families who are not employed.

(b) [The definition of “assistance”] excludes: (1) Nonrecurrent, short-term benefits that:

(i) Are designed to deal with a specific crisis situation or episode of need;

(ii) Are not intended to meet recurrent or ongoing needs; and

(iii) Will not extend beyond four months.

(2) Work subsidies (i.e., payments to employers or third parties to help cover the costs of employee wages, benefits, supervision, and training);

(3) Supportive services such as child care and transportation provided to families who are employed;

(4) Refundable earned income tax credits;

(5) Contributions to, and distributions from, Individual Development Accounts;

(6) Services such as counseling, case management, peer support, child care information and referral, transitional services, job retention, job advancement, and other employment-related services that do not provide basic income support; and

(7) Transportation benefits provided under a Job Access or Reverse Commute project, pursuant to section 404(k) of [the Social Security] Act, to an individual who is not otherwise receiving assistance.

EXHIBIT 6-2: ANNUAL INCOME EXCLUSIONS

24 CFR 5.609

(c) Annual income does not include the following:

- (1) Income from employment of children (including foster children) under the age of 18 years;
- (2) Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone);
- (3) Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses (except as provided in paragraph (b)(5) of this section);
- (4) Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;
- (5) Income of a live-in aide, as defined in Sec. 5.403;
- (6) Subject to paragraph (b)(9) of this section, the full amount of student financial assistance paid directly to the student or to the educational institution;
- (7) The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
- (8) (i) Amounts received under training programs funded by HUD;
(ii) Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);

(iii) Amounts received by a participant in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program;

(iv) Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed \$200 per month) received by a resident for performing a service for the PHA or owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, resident initiatives coordination, and serving as a member of the PHA's governing board. No resident may receive more than one such stipend during the same period of time;

(v) Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for the period during which the family member participates in the employment training program;

(9) Temporary, nonrecurring or sporadic income (including gifts);

(10) Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;

(11) Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse);

(12) Adoption assistance payments in excess of \$480 per adopted child;

(13) [Reserved]

(14) Deferred periodic amounts from supplemental security income and social security benefits that are received in a lump sum amount or in prospective monthly amounts, or any deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or prospective monthly amounts.

(15) Amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit;

(16) Amounts paid by a State agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home; or

(17) Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under any program to which the exclusions set forth in 24 CFR 5.609(c) apply. A notice will be published in the Federal Register and distributed to PHAs and housing owners identifying the benefits that qualify for this exclusion. Updates will be published and distributed when necessary. [See Section 6-I.M. for a list of benefits that qualify for this exclusion.]

EXHIBIT 6-3: TREATMENT OF FAMILY ASSETS

24 CFR 5.603(b) Net Family Assets

(1) Net cash value after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of capital investment, excluding interests in Indian trust land and excluding equity accounts in HUD homeownership programs. The value of necessary items of personal property such as furniture and automobiles shall be excluded.

(2) In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the family or household, the value of the trust fund will not be considered an asset so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted when determining annual income under Sec. 5.609.

(3) In determining net family assets, PHAs or owners, as applicable, shall include the value of any business or family assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received therefor.

In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or tenant receives important consideration not measurable in dollar terms.

(4) For purposes of determining annual income under Sec. 5.609, the term "net family assets" does not include the value of a home currently being purchased with assistance under part 982, subpart M of this title. This exclusion is limited to the first 10 years after the purchase date of the home.

EXHIBIT 6-4: EARNED INCOME DISALLOWANCE FOR PERSONS WITH DISABILITIES

24 CFR 5.617 Self-sufficiency incentives for persons with disabilities—Disallowance of increase in annual income.

(a) Applicable programs. The disallowance of earned income provided by this section is applicable only to the following programs: HOME Investment Partnerships Program (24

CFR part 92); Housing Opportunities for Persons with AIDS (24 CFR part 574); Supportive Housing Program (24 CFR part 583); and the Housing Choice Voucher Program (24 CFR part 982).

(b) Definitions. The following definitions apply for purposes of this section.

Baseline income. The annual income immediately prior to implementation of the disallowance described in paragraph (c)(1) of this section of a person with disabilities (who is a member of a qualified family).

Disallowance. Exclusion from annual income.

Previously unemployed includes a person with disabilities who has earned, in the twelve months previous to employment, no more than would be received for 10 hours of work per week for 50 weeks at the established minimum wage.

Qualified family. A family residing in housing assisted under one of the programs listed in paragraph (a) of this section or receiving tenant-based rental assistance under one of the programs listed in paragraph (a) of this section.

(1) Whose annual income increases as a result of employment of a family member who is a person with disabilities and who was previously unemployed for one or more years prior to employment;

(2) Whose annual income increases as a result of increased earnings by a family member who is a person with disabilities during participation in any economic self-sufficiency or other job training program; or

(3) Whose annual income increases, as a result of new employment or increased earnings of a family member who is a person with disabilities, during or within six months after receiving assistance, benefits or services under any state program for temporary assistance for needy families funded under Part A of Title IV of the Social Security Act, as determined by the responsible entity in consultation with the local agencies administering temporary assistance for needy families (TANF) and Welfare-to-Work (WTW) programs. The TANF program is not limited to monthly income maintenance, but also includes such benefits and services as one-time payments, wage subsidies and transportation assistance-- provided that the total amount over a six-month period is at least \$500.

(c) Disallowance of increase in annual income—

(1) Initial twelve month exclusion. During the 12-month period beginning on the date a member who is a person with disabilities of a qualified family is first employed or the family first experiences an increase in annual income attributable to employment, the responsible entity must exclude from annual income (as defined in the regulations governing the applicable program listed in paragraph (a) of this section) of a qualified family any increase in income of the family member who is a person with disabilities as a result of employment over prior income of that family member.

(2) Second twelve month exclusion and phase-in. Upon expiration of the 12-month period defined in paragraph (c)(1) of this section and for the subsequent 12-month period, the responsible entity must exclude from annual income of a qualified family at least 50 percent of any increase in income of such family member as a result of employment over the family member's baseline income.

(3) Maximum 2-year disallowance. The disallowance of increased income of an

individual family member who is a person with disabilities as provided in paragraph (c)(1) or (c)(2) of this section is limited to a lifetime 24-month period. The disallowance applies for a maximum of 12 months for disallowance under paragraph (c)(1) of this section and a maximum of 12 months for disallowance under paragraph (c)(2) of this section, during the 24-month period starting from the initial exclusion under paragraph (c)(1) of this section.

(4) Effect of changes on currently participating families. Families eligible for and participating in the disallowance of earned income under this section prior to *May 9, 2016* will continue to be governed by this section in effect as it existed immediately prior to that date (see 24 CFR parts 0 to 199, revised as of April 1, 2016).

(d) Inapplicability to admission. The disallowance of increases in income as a result of employment of persons with disabilities under this section does not apply for purposes of admission to the program (including the determination of income eligibility or any income targeting that may be applicable).

EXHIBIT 6-5: THE EFFECT OF WELFARE BENEFIT REDUCTION

24 CFR 5.615

Public housing program and Section 8 tenant-based assistance program: How welfare benefit reduction affects family income.

(a) Applicability. This section applies to covered families who reside in public housing (part 960 of this title) or receive Section 8 tenant-based assistance (part 982 of this title).

(b) Definitions. The following definitions apply for purposes of this section:

Covered families. Families who receive welfare assistance or other public assistance benefits ("welfare benefits") from a State or other public agency ("welfare agency") under a program for which Federal, State, or local law requires that a member of the family must participate in an economic self-sufficiency program as a condition for such assistance.

Economic self-sufficiency program. See definition at Sec. 5.603.

Imputed welfare income. The amount of annual income not actually received by a family, as a result of a specified welfare benefit reduction, that is nonetheless included in the family's annual income for purposes of determining rent.

Specified welfare benefit reduction.

(1) A reduction of welfare benefits by the welfare agency, in whole or in part, for a family member, as determined by the welfare agency, because of fraud by a family member in connection with the welfare program; or because of welfare agency sanction against a family member for noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program.

(2) "Specified welfare benefit reduction" does not include a reduction or termination of welfare benefits by the welfare agency:

(i) at expiration of a lifetime or other time limit on the payment of welfare benefits;

(ii) because a family member is not able to obtain employment, even though the family member has complied with welfare agency economic self-sufficiency or work activities requirements; or

(iii) because a family member has not complied with other welfare agency requirements.

(c) Imputed welfare income.

(1) A family's annual income includes the amount of imputed welfare income (because of a specified welfare benefits reduction, as specified in notice to the PHA by the welfare agency), plus the total amount of other annual income as determined in accordance with Sec. 5.609.

(2) At the request of the PHA, the welfare agency will inform the PHA in writing of the amount and term of any specified welfare benefit reduction for a family member, and the reason for such reduction, and will also inform the PHA of any subsequent changes in the term or amount of such specified welfare benefit reduction. The PHA will use this information to determine the amount of imputed welfare income for a family.

(3) A family's annual income includes imputed welfare income in family annual income, as determined at the PHA's interim or regular reexamination of family income and composition, during the term of the welfare benefits reduction (as specified in information provided to the PHA by the welfare agency).

(4) The amount of the imputed welfare income is offset by the amount of additional income a family receives that commences after the time the sanction was imposed. When such additional income from other sources is at least equal to the imputed

(5) The PHA may not include imputed welfare income in annual income if the family was not an assisted resident at the time of sanction.

(d) Review of PHA decision.

(1) Public housing. If a public housing tenant claims that the PHA has not correctly calculated the amount of imputed welfare income in accordance with HUD requirements, and if the PHA denies the family's request to modify such amount, the PHA shall give the tenant written notice of such denial, with a brief explanation of the basis for the PHA determination of the amount of imputed welfare income. The PHA notice shall also state that if the tenant does not agree with the PHA determination, the tenant may request a grievance hearing in accordance with part 966, subpart B of this title to review the PHA determination. The tenant is not required to pay an escrow deposit pursuant to Sec. 966.55(e) for the portion of tenant rent attributable to the imputed welfare income in order to obtain a grievance hearing on the PHA determination.

(2) Section 8 participant. A participant in the Section 8 tenant-based assistance program may request an informal hearing, in accordance with Sec. 982.555 of this title, to review the PHA determination of the amount of imputed welfare income that must be included in the family's annual income in accordance with this section. If the family claims that such amount is not correctly calculated in accordance with HUD requirements, and if the PHA denies the family's request to modify such amount, the PHA shall give the family written notice of such denial, with a brief explanation of the

basis for the PHA determination of the amount of imputed welfare income. Such notice shall also state that if the family does not agree with the PHA determination, the family may request an informal hearing on the determination under the PHA hearing procedure.

(e) PHA relation with welfare agency.

(1) The PHA must ask welfare agencies to inform the PHA of any specified welfare benefits reduction for a family member, the reason for such reduction, the term of any such reduction, and any subsequent welfare agency determination affecting the amount or term of a specified welfare benefits reduction. If the welfare agency determines a specified welfare benefits reduction for a family member, and gives the PHA written notice of such reduction, the family's annual incomes shall include the imputed welfare income because of the specified welfare benefits reduction.

(2) The PHA is responsible for determining the amount of imputed welfare income that is included in the family's annual income as a result of a specified welfare benefits reduction as determined by the welfare agency, and specified in the notice by the welfare agency to the PHA. However, the PHA is not responsible for determining whether a reduction of welfare benefits by the welfare agency was correctly determined by the welfare agency in accordance with welfare program requirements and procedures, nor for providing the opportunity for review or hearing on such welfare agency determinations.

(3) Such welfare agency determinations are the responsibility of the welfare agency, and the family may seek appeal of such determinations through the welfare agency's normal due process procedures. The PHA shall be entitled to rely on the welfare agency notice to the PHA of the welfare agency's determination of a specified welfare benefits reduction.

Chapter 7
VERIFICATION

[24 CFR 982.516, 24 CFR 982.551, 24 CFR 5.230, Notice PIH 2018-18]

| | |
|---|----|
| INTRODUCTION | 3 |
| PART I: GENERAL VERIFICATION REQUIREMENTS | 4 |
| 7-I.A. FAMILY CONSENT TO RELEASE OF INFORMATION | 4 |
| 7-I.B. OVERVIEW OF VERIFICATION REQUIREMENTS | 4 |
| 7-I.C. UP-FRONT INCOME VERIFICATION (UIV) | 5 |
| 7-I.D. THIRD-PARTY WRITTEN AND ORAL VERIFICATION | 7 |
| 7-I.E. SELF-CERTIFICATION | 8 |
| PART II: VERIFYING FAMILY INFORMATION | 10 |
| 7-II.A. VERIFICATION OF LEGAL IDENTITY | 10 |
| 7-II.B. SOCIAL SECURITY NUMBERS | 10 |
| 7-II.C. DOCUMENTATION OF AGE | 11 |
| 7-II.D. FAMILY RELATIONSHIPS | 12 |
| 7-II.E. VERIFICATION OF STUDENT STATUS | 12 |
| 7-II.F. DOCUMENTATION OF DISABILITY | 13 |
| 7-II.G. CITIZENSHIP OR ELIGIBLE IMMIGRATION STATUS | 15 |
| 7-II.H. VERIFICATION OF PREFERENCE STATUS | 15 |
| PART III: VERIFYING INCOME AND ASSETS | 16 |
| 7-III.A. EARNED INCOME | 16 |
| 7-III.B. BUSINESS AND SELF EMPLOYMENT INCOME | 16 |
| 7-III.C. PERIODIC PAYMENTS AND PAYMENTS IN LIEU OF EARNINGS | 16 |
| 7-III.D. ALIMONY OR CHILD SUPPORT | 17 |
| 7-III.E. ASSETS AND INCOME FROM ASSETS | 17 |
| 7-III.F. NET INCOME FROM RENTAL PROPERTY | 18 |
| 7-III.G. RETIREMENT ACCOUNTS | 18 |
| 7-III.H. INCOME FROM EXCLUDED SOURCES | 19 |
| 7-III.I. ZERO ANNUAL INCOME STATUS | 19 |
| 7-III.J. STUDENT FINANCIAL ASSISTANCE | 19 |
| 7-III.K. PARENTAL INCOME OF STUDENTS SUBJECT TO ELIGIBILITY RESTRICTIONS | 20 |

| | |
|--|----|
| PART IV: VERIFYING MANDATORY DEDUCTIONS | 21 |
| 7-IV.A. DEPENDENT AND ELDERLY/DISABLED HOUSEHOLD DEDUCTIONS | 21 |
| 7-IV.B. MEDICAL EXPENSE DEDUCTION | 21 |
| 7-IV.C. DISABILITY ASSISTANCE EXPENSES | 22 |
| 7-IV.D. CHILD CARE EXPENSES | 24 |
| EXHIBIT 7-1: SUMMARY OF DOCUMENTATION REQUIREMENTS FOR NONCITIZENS | 26 |

INTRODUCTION

The GRHC will verify all information that is used to establish the family's eligibility and level of assistance and is required to obtain written authorization from the family in order to collect the information. Applicants and program participants must cooperate with the verification process as a condition of receiving assistance. The GRHC will not pass on the cost of verification to the family.

The GRHC will follow the verification guidance provided by HUD in Notice PIH 2018-18 and any subsequent guidance issued by HUD. This chapter summarizes those requirements and provides supplementary GRHC policies.

Part I describes the general verification process. Part II provides more detailed requirements related to family information. Part III provides information on income and assets, and Part IV covers mandatory deductions.

Verification policies, rules and procedures will be modified as needed to accommodate persons with disabilities. All information obtained through the verification process will be handled in accordance with the records management policies of the GRHC.

- Part I: General Verification Requirements. HUDs regulations specify what levels of verification are required to verify family eligibility and income. This part covers the general requirements and GRHC Policies on the verification process.
- Part II: Verifying Family Information. This part will cover the HUD and GRHC policies on verifying family information to determine eligibility.
- Part III: Verifying Income and Assets. Once a family is determined eligible, income verification is required to ensure the family is within HUD guidelines. This part covers the HUD and GRHC policies on verifying family income.
- Part IV: Verifying Mandatory Deductions. This part describes the verification required for deductions utilized to calculate adjusted gross income.

PART I: GENERAL VERIFICATION REQUIREMENTS

7-I.A. FAMILY CONSENT TO RELEASE OF INFORMATION [24 CFR 982.516 AND 982.551, 24 CFR 5.230]

The family must supply any information that the GRHC or HUD determines is necessary to the administration of the program and must consent to the GRHC verification of that information [24 CFR 982.551].

Consent Forms

It is required that all adult applicants and participants sign form HUD-9886, Authorization for Release of Information. The purpose of form HUD-9886 is to facilitate automated data collection and computer matching from specific sources and provides the family's consent only for the specific purposes listed on the form. HUD and the GRHC may collect information from State Wage Information Collection Agencies (SWICAs) and current and former employers of adult family members. Only HUD is authorized to collect information directly from the Internal Revenue Service (IRS) and the Social Security Administration (SSA). Adult family members must sign other consent forms as needed to collect information relevant to the family's eligibility and level of assistance.

Penalties for Failing to Consent [24 CFR 5.232]

If any family member who is required to sign a consent form fails to do so, the GRHC will deny admission to applicants and terminate assistance of participants. The family may request an informal review (applicants) or informal hearing (participants) in accordance with PHA procedures.

7-I.B. OVERVIEW OF VERIFICATION REQUIREMENTS

HUD's Verification Hierarchy [Notice PIH 2018-18]

HUD mandates the use of the EIV system and offers administrative guidance on the use of other methods to verify family information and specifies the circumstances in which each method will be used. In general HUD requires the GRHC to use the most reliable form of verification that is available and to document the reasons when the GRHC uses a lesser form of verification.

In order of priority, the forms of verification that the GRHC will use are:

- Up-front Income Verification (UIV) using HUD's Enterprise Income Verification (EIV) system
- Up-front Income Verification (UIV) using a non-HUD system
- Written Third-Party Verification (may be provided by applicant or participant)
- Written Third-party Verification Form
- Oral Third-party Verification
- Self-Certification

Each of the verification methods is discussed in subsequent sections below.

Requirements for Acceptable Documents

Any documents used for verification must be dated within 60 calendar days of the GRHC request. The documents must not be damaged, altered or in any way illegible.

Printouts from Web pages and photos of documents are acceptable.

All documents will be dated with date of receipt by the GRHC.

Any family self-certifications must be made in a format acceptable to the GRHC and signed.

File Documentation

The GRHC will document in the file how the figures used in income and rent calculations were determined. All verification attempts, information obtained, and decisions reached during the verification process will be recorded in the family's file in sufficient detail to demonstrate that the GRHC has followed all of the verification policies set forth in this plan. The record should be sufficient to enable a staff member or HUD reviewer to understand the process followed and conclusions reached.

The GRHC will document, in the family file with a checklist, the following:

- Reported family annual income
- Value of assets
- Expenses related to deductions from annual income
- Other factors influencing adjusted income

When the GRHC is unable to obtain third-party verification, the GRHC will document in the family file the reason that third-party verification was not available [24 CFR 982.516(a)(2); Notice PIH 2018-18].

7-I.C. UP-FRONT INCOME VERIFICATION (UIV)

Up-front income verification (UIV) refers to the GRHC's use of the verification tools available from independent sources that maintain computerized information about earnings and benefits. UIV will be used to the extent that these systems are available to the GRHC.

There may be legitimate differences between the information provided by the family and UIV-generated information. If the family disputes the accuracy of UIV data, no adverse action can be taken until the GRHC has independently verified the UIV information and the family has been granted an opportunity to contest any adverse findings through the informal review/hearing process of the GRHC.

See Chapter 6 for the GRHC's policy on the use of UIV/EIV to project annual income.

Upfront Income Verification Using HUD's Enterprise Income Verification (EIV) System (Mandatory)

The GRHC will use HUD's EIV system in its entirety as a third-party source to verify tenant employment and income information during mandatory reexaminations or recertifications of family composition and income in accordance with 24 CFR 5.236 and administrative guidance issued by HUD. The EIV system contains data showing earned income, unemployment benefits, social security benefits, and SSI benefits for participant families. The following policies apply to the use of HUD's EIV system.

EIV Income and IVT Reports

The data shown on income and income validation tool (IVT) reports is updated quarterly. Data may be between 3 and 6 months old at the time reports are generated.

The GRHC will obtain income and IVT reports for annual reexaminations on a monthly basis. Reports will be generated as part of the regular reexamination process.

Income and IVT reports will be compared to family-provided information as part of the annual reexamination process. Income reports may be used in the calculation of annual income, as described in Chapter 6-I.C. Income reports may also be used to meet the regulatory requirement for third party verification, as described above. Policies for resolving discrepancies between income reports and family-provided information will be resolved as described in Chapter 6-I.C. and in this chapter.

Income and IVT reports will be used in interim reexaminations to identify any discrepancies between reported income and income shown in the EIV system, and as necessary to verify earned income, and to verify and calculate unemployment benefits, Social Security and/or SSI benefits. EIV will also be used to verify that families claiming zero income are not receiving income from any of these sources.

Income and IVT reports will be retained in participant files with the applicable annual or interim reexamination documents.

When the GRHC determines through EIV reports and third-party verification that a family has concealed or under-reported income, corrective action will be taken pursuant to the policies in Chapter 14, Program Integrity.

EIV Identity Verification

The EIV system verifies tenant identities against SSA records. These records are compared to PIC data for a match on social security number, name, and date of birth.

The GRHC will use EIV's *Identity Verification Report* on a monthly basis to improve the availability of income information in EIV [Notice PIH 2018-18]. When identity verification for a participant fails, a message will be displayed within the EIV system and no income information will be displayed.

The GRHC will attempt to resolve PIC/SSA discrepancies by obtaining appropriate documentation from the participant. When the GRHC determines that discrepancies exist due to GRHC errors such as spelling errors or incorrect birth dates, the errors will be corrected

promptly.

Upfront Income Verification Using Non-HUD Systems (Optional)

The GRHC will inform all applicants and participants of its use of the following UIV resources during the admission and reexamination process:

- HUD's EIV system
- IRS form 45060-T

7-I.D. THIRD-PARTY WRITTEN AND ORAL VERIFICATION

HUD's current verification hierarchy defines two types of written third-party verification. The more preferable form, "written third-party verification," consists of an original document generated by a third-party source, which may be received directly from a third-party source or provided to the GRHC by the family. If written third-party verification is not available, the GRHC will attempt to obtain a "written third-party verification form." This is a standardized form used to collect information from a third party.

Written Third-Party Verification [Notice PIH 2018-18]

Written third-party verification documents must be original and authentic and may be supplied by the family or received from a third-party source. Third-party documents provided by the family must be dated within 60 calendar days of the GRHC request date

Examples of acceptable tenant-provided documents include, but are not limited to: pay stubs, payroll summary reports, employer notice or letters of hire and termination, SSA benefit verification letters, bank statements, child support payment stubs, welfare benefit letters and/or printouts, and unemployment monetary benefit notices.

The GRHC is required to obtain, at minimum, two (2) current (within last 60 calendar days) and consecutive pay stubs for determining annual income from wages. At the GRHC's discretion, if additional paystubs are needed due to the family's circumstances (e.g., sporadic income, fluctuating schedule, etc.), the GRHC may request additional paystubs or a payroll record.

The GRHC may reject documentation provided by the family and request additional information if the document is not an original, appears to be forged, or is altered, mutilated, or illegible.

Written Third-Party Verification Form

When upfront verification is not available and the family is unable to provide written third-party documents, the GRHC will request a written third-party verification form.

The GRHC will mail, fax, email, or provide the verification directly to the participants third-party written verification form requests to third-party sources.

Oral Third-Party Verification [Notice PIH 2018-18]

For third-party oral verification, The GRHC contact sources, identified by UIV techniques or by the family, by telephone or in person.

Oral third-party verification is mandatory if neither form of written third-party verification is available.

Third-party oral verification may be used when requests for written third-party verification forms have not been returned within a reasonable time—e.g., 15 calendar days.

The GRHC will document in the file the date and time of the telephone call or visit, the name of the person contacted, the telephone number, as well as the information confirmed. When any source responds verbally to the initial written request for verification, the GRHC will accept it as oral verification but will also request that the source complete and return any verification forms provided.

When Third-Party Verification is Not Required [Notice PIH 2018-18]

The GRHC has acknowledged that it may not be cost-effective or reasonable to obtain third-party verification of income, assets, or expenses when these items would have a minimal impact on the family's total tenant payment, and will pursue alternative options to families.

Primary Documents

Third-party verification is not required when legal documents are the primary source, such as a birth certificate or other legal documentation of birth.

Imputed Assets

The GRHC will accept a self-certification from a family as verification of assets disposed of for less than fair market value.

Value of Assets and Asset Income [24 CFR 982.516(a)]

For families with net assets totaling \$5,000 or less, the GRHC will accept the family's declaration of asset value and anticipated asset income. However, the GRHC will obtain third-party verification of all assets regardless of the amount during the intake process and at least every three years thereafter.

GRHC MTW Flexibility

For families with net assets totaling \$50,000 or less, the GRHC will accept the family's self-certification of the value of family assets and anticipated asset income when applicable. The family's declaration must show each asset and the amount of income expected from that asset. All family members 18 years of age and older must sign the family's declaration.

7-I.E. SELF-CERTIFICATION

When HUD requires third-party verification, self-certification or "tenant declaration," is used as a last resort when the GRHC is unable to obtain third-party verification.

Self-certification, however, is an acceptable form of verification when:

- A source of income is fully excluded
- Net family assets total \$50,000 or less and the GRHC has adopted a policy. See GRHC MTW Flexibility in Chapter 7.I.D.
- The GRHC has adopted a policy to implement streamlined annual recertifications for fixed

sources of income (See Chapter 11)

When the GRHC is required to obtain third-party verification but instead relies on a tenant declaration for verification of income, assets, or expenses, the family's file will be documented to explain why third-party verification was not available. When information cannot be verified by a third party or by review of documents, family members will be required to submit self-certifications attesting to the accuracy of the information they have provided to the GRHC.

The GRHC may require a family to certify that a family member does not receive a particular type of income or benefit.

The self-certification must be made in a format acceptable to the GRHC and must be signed by the family member whose information or status is being verified. All self-certifications must be signed in the presence of a GRHC representative

PART II: VERIFYING FAMILY INFORMATION

7-II.A. VERIFICATION OF LEGAL IDENTITY

The GRHC will require families to furnish verification of legal identity for each household member.

| Verification of Legal Identity for Adults | Verification of Legal Identity for Children |
|--|--|
| Certificate of birth, naturalization papers Church issued baptismal certificate Current, valid driver's license or Department of Motor Vehicles identification card U.S. military discharge (DD 214) Current U.S. passport Current government employer identification card with picture | Certificate of birth Adoption papers Custody agreement Health and Human Services ID Certified school records |

If a document submitted by a family is illegible for any reason or otherwise questionable, more than one of these documents may be required.

Legal identity will be verified for all applicants at the time of eligibility determination and in cases where the GRHC has reason to doubt the identity of a person representing him or herself to be a participant.

7-II.B. SOCIAL SECURITY NUMBERS [24 CFR 5.216, Notice PIH 2018-24]

The family must provide documentation of a valid social security number (SSN) for each member of the household, with the exception of individuals who do not contend eligible immigration status. Exemptions also include existing program participants who were at least 62 years of age as of January 31, 2010, and had not previously disclosed an SSN.

Note that an individual who previously declared to have eligible immigration status may not change his or her declaration for the purpose of avoiding compliance with the SSN disclosure and documentation requirements or penalties associated with noncompliance with these requirements. Nor may the head of household opt to remove a household member from the family composition for this purpose.

The GRHC will accept the following documentation as acceptable evidence of the social security number:

- An original SSN card issued by the Social Security Administration (SSA)
- An original SSA-issued document, which contains the name and SSN of the individual
- An original document issued by a federal, state, or local government agency, which contains the name and SSN of the individual

The GRHC will only reject documentation of an SSN provided by an applicant or participant if the document is not an original document or if the original document has been altered, mutilated, is illegible, or appears to be forged. The GRHC will explain to the applicant or participant the reasons the document is not acceptable and request that the individual obtain and submit acceptable documentation of the SSN to the GRHC within 90 calendar days.

In the case of Moderate Rehabilitation Single Room Occupancy (SRO) individuals, the required documentation must be provided within 90 calendar days from the date of admission into the program. The GRHC will grant one additional 90-day extension if it determines that the applicant's failure to comply was due to circumstances that were beyond the applicant's control and could not have been reasonably foreseen. If the individual fails to comply with SSN disclosure and documentation requirements upon expiration of the provided time period, the GRHC will terminate the individual's assistance.

If an applicant family includes a child under 6 years of age who joined the household within the 6 months prior to the date of voucher issuance, an otherwise eligible family may be admitted to the program and the family must provide documentation of the child's SSN within 90 calendar days of the effective date of the initial HAP contract. A 90-day extension will be granted if the GRHC determines that the participant's failure to comply was due to unforeseen circumstances and was outside of the participant's control.

When a participant requests to add a new household member who is at least 6 years of age, or who is under the age of 6 and has an SSN, the participant must provide the complete and accurate SSN assigned to each new member at the time of reexamination or recertification, in addition to the documentation required to verify it. The GRHC will not add the new household member until such documentation is provided.

When a participant requests to add a new household member who is under the age of 6 and has not been assigned an SSN, the participant must provide the SSN assigned to each new child and the required documentation within 90 calendar days of the child being added to the household. A 90-day extension will be granted if the GRHC determines that the participant's failure to comply was due to unforeseen circumstances and was outside of the participant's control. During the period the GRHC is awaiting documentation of the SSN, the child will be counted as part of the assisted household.

Social security numbers must be verified only once during continuously assisted occupancy.

Once the individual's verification status is classified as "verified," the GRHC will maintain copies of documentation of social security numbers for all household members in the file. The retention of the EIV Summary Report or Income Report is adequate documentation of an individual's SSN.

7-II.C. DOCUMENTATION OF AGE

A birth certificate or other official record of birth is the preferred form of age verification for all family members. For elderly family members an original document that provides evidence of the receipt of social security retirement benefits is acceptable. If an official record of birth or evidence of social security retirement benefits cannot be provided, the GRHC will require the family to submit other documents that support the reported age of the family member (e.g., school records, driver's license if birth year is recorded) and to provide a self-certification.

Age will be verified only once during continuously-assisted occupancy.

7-II.D. FAMILY RELATIONSHIPS

Family relationships are verified only to the extent necessary to determine a family's eligibility and level of assistance. Certification by the head of household normally is sufficient verification of family relationships.

Marriage

A marriage certificate generally is required to verify that a couple is married. If unavailable, the GRHC will accept a self-certification.

In the case of a common law marriage, the couple must demonstrate that they hold themselves to be married (e.g., by telling the community they are married, calling each other husband and wife, using the same last name, filing joint income tax returns).

Separation or Divorce

A certified copy of a divorce decree, signed by a court officer, is required to document that a couple is divorced. A copy of a court-ordered maintenance or other court record is required to document a separation. If no court document is available, documentation from a community-based agency will be accepted or a self-certification from the head of household will be acceptable.

Absence of Adult Member

If an adult member who was formerly a member of the household is reported to be permanently absent, the family must provide evidence to support that the person is no longer a member of the family (e.g., documentation of another address at which the person resides such as a lease or utility bill).

Foster Children and Foster Adults

Third-party verification from the state or local government agency responsible for the placement of the individual with the family is required.

7-II.E. VERIFICATION OF STUDENT STATUS

General Requirements

The GRHC requires families to provide information about the student status of all students who are 18 years of age or older. This information will be verified only if:

- The family reports full-time student status for an adult other than the head, spouse, or cohead.
- The family reports childcare expenses to enable a family member to further his or her education.
- The family includes a student enrolled in an *institution of higher education*.

Restrictions on Assistance to Students Enrolled in Institutions of Higher Education

This section applies only to students who are seeking assistance on their own, separately from their parents. It does not apply to students residing with parents who are seeking or receiving

HCV assistance.

In accordance with the verification hierarchy described in section 7-1.B, the GRHC will determine whether the student is exempt from the restrictions in 24 CFR 5.612 by verifying any one of the following exemption criteria:

- The student is enrolled at an educational institution that does not meet the definition of *institution of higher education* in the Higher Education Act of 1965 (see section Exhibit 3-2).
- The student is at least 24 years old.
- The student is a veteran, as defined in section 3-II.E.
- The student is married.
- The student has at least one dependent child, as defined in section 3-II.E.
- The student is a person with disabilities, as defined in section 3-II.E, and was receiving assistance prior to November 30, 2005.

If the GRHC cannot verify at least one of these exemption criteria, the GRHC will conclude that the student is subject to the restrictions on assistance at 24 CFR 5.612. In addition to verifying the student's income eligibility, the GRHC will then proceed to verify either the student's parents' income eligibility (see section 7-III.J) or the student's independence from his/her parents (see below).

Independent Student

The GRHC will verify a student's independence from his/her parents to determine that the student's parents' income is not relevant for determining the student's eligibility by doing all of the following:

- Either reviewing and verifying previous address information to determine whether the student has established a household separate from his/her parents for at least one year, or reviewing and verifying documentation relevant to determining whether the student meets the U.S. Department of Education's definition of *independent student* (see section 3-II.E)
- Reviewing the student's prior year income tax returns to verify the student is independent or verifying the student meets the U.S. Department of Education's definition of *independent student* (see section 3-II.E)
- Requesting and obtaining written certification directly from the student's parents identifying the amount of support they will be providing to the student, even if the amount of support is \$0, except in cases in which the GRHC determines that the student is a *vulnerable youth* (see section 3-II.E)

7-II.F. DOCUMENTATION OF DISABILITY

The GRHC will verify the existence of a disability in order to allow certain income disallowances and deductions from income. The GRHC will not inquire about the nature or extent of a person's disability [24 CFR 100.202(c)]. The GRHC will not inquire about a person's diagnosis or details of treatment for a

disability or medical condition. If the GRHC receives a verification document that provides such information, the GRHC will not place this information in the tenant file. Under no circumstances will the GRHC request a participant's medical record(s). For more information on health care privacy laws, see the Department of Health and Human Services' website at <http://www.hhs.gov/ocr/privacy/>.

The above cited regulation does not prohibit the following inquiries, provided these inquiries are made of all applicants, whether or not they are persons with disabilities [VG, p. 24]:

- Inquiry into an applicant's ability to meet the requirements of ownership or tenancy
- Inquiry to determine whether an applicant is qualified for a dwelling available only to persons with disabilities or to persons with a particular type of disability
- Inquiry to determine whether an applicant for a dwelling is qualified for a priority available to persons with disabilities or to persons with a particular type of disability
- Inquiring whether an applicant for a dwelling is a current illegal abuser or addict of a controlled substance
- Inquiring whether an applicant has been convicted of the illegal manufacture or distribution of a controlled substance

Family Members Receiving SSA Disability Benefits

Verification of the receipt of disability benefits from the Social Security Administration (SSA) is sufficient verification of disability for the purpose of qualifying for waiting list preferences (if applicable) or certain income disallowances and deductions [VG, p. 23].

For family members claiming disability who receive disability benefits from the SSA, the GRHC will attempt to obtain information about disability benefits through the HUD Enterprise Income Verification (EIV) system. If documentation from HUD's EIV System is not available, the GRHC will request a current (dated within the last 60 calendar days) SSA benefit verification letter from each family member claiming disability status. If the family is unable to provide the document(s), the GRHC will ask the family to request a benefit verification letter by either calling SSA at 1-800-772-1213, or by requesting it from www.ssa.gov. Once the applicant or participant receives the benefit verification letter, they will be required to provide it to the GRHC.

Family Members Not Receiving SSA Disability Benefits

Receipt of veteran's disability benefits, worker's compensation, or other non-SSA benefits based on the individual's claimed disability are not sufficient verification that the individual meets HUD's definition of disability in 24 CFR 5.403.

For family members claiming disability who do not receive disability benefits from the SSA, a knowledgeable professional must provide third-party verification that the family member meets the HUD definition of disability. See the Eligibility chapter for the HUD definition of disability. The knowledgeable professional will verify whether the family member does or does not meet the HUD definition.

7-II.G. CITIZENSHIP OR ELIGIBLE IMMIGRATION STATUS [24 CFR 5.508]

OVERVIEW

Housing assistance is not available to persons who are not citizens, nationals, or eligible immigrants. Prorated assistance is provided for "mixed families" containing both eligible and ineligible persons. A detailed discussion of eligibility requirements is in the Eligibility chapter. This verifications chapter discusses HUD and GRHC verification requirements related to citizenship status.

The family must provide a certification that identifies each family member as a U.S. citizen, a U.S. national, an eligible noncitizen or an ineligible noncitizen and submit the documents discussed below for each family member. Once eligibility to receive assistance has been verified for an individual it need not be collected or verified again during continuously-assisted occupancy. [24 CFR 5.508(g)(5)]

U.S. Citizens and Nationals

HUD requires a declaration for each family member who claims to be a U.S. citizen or national. The declaration must be signed personally by any family member 18 or older and by a guardian for minors.

Family members who claim U.S. citizenship or national status will not be required to provide additional documentation unless the GRHC receives information indicating that an individual's declaration may not be accurate.

Eligible Immigrants

Documents Required

All family members claiming eligible immigration status must declare their status in the same manner as U.S. citizens and nationals.

The documentation required for eligible noncitizens varies depending upon factors such as the date the person entered the U.S., the conditions under which eligible immigration status has been granted, age, and the date on which the family began receiving HUD-funded assistance. Exhibit 7-1 at the end of this chapter summarizes documents family members must provide.

GRHC Verification [HCV GB, pp. 5-3 and 5-7]

For family members age 62 or older who claim to be eligible immigrants, proof of age is required in the manner described in 7-II.C. of this plan. No further verification of eligible immigration status is required.

For family members under the age of 62 who claim to be eligible immigrants, the GRHC will verify immigration status with the United States Citizenship and Immigration Services (USCIS). The GRHC will follow all USCIS protocols for verification of eligible immigration status.

7-II.H. VERIFICATION OF PREFERENCE STATUS

The GRHC will verify any preferences claimed by an applicant that determined placement on the waiting list.

PART III: VERIFYING INCOME AND ASSETS

Chapter 6, Part I of this plan describes in detail the types of income that are included and excluded and how assets and income from assets are handled. Any assets and income reported by the family must be verified. This part provides GRHC policies that supplement the general verification procedures specified in Part I of this chapter.

7-III.A. EARNED INCOME

Unless tip income is included in a family member's W-2 by the employer, persons who work in industries where tips are standard will be required to sign a certified estimate of tips received for the prior year and tips anticipated to be received in the coming year.

Wages

For wages other than tips, the family must provide two most current (within 60 calendar days), consecutive pay stubs.

7-III.B. BUSINESS AND SELF EMPLOYMENT INCOME

Business owners and self-employed persons will be required to provide:

- An audited financial statement for the previous fiscal year if an audit was conducted. If an audit was not conducted, a statement of income and expenses must be submitted, and the business owner or self-employed person must certify to its accuracy.
- All schedules completed for filing federal and local taxes in the preceding year.
- If accelerated depreciation was used on the tax return or financial statement, an accountant's calculation of depreciation expense, computed using straight-line depreciation rules.

The business owner/self-employed person will be required to submit the information requested and to certify to its accuracy at all future reexaminations.

At any reexamination the GRHC may request documents that support submitted financial statements such as manifests, appointment books, cash books, or bank statements.

If a family member has been self-employed less than three (3) months, the GRHC will accept the family member's certified estimate of income and schedule an interim reexamination in three (3) months. If the family member has been self-employed for three (3) to twelve (12) months the GRHC will require the family to provide documentation of income and expenses for this period and use that information to project income.

7-III.C. PERIODIC PAYMENTS AND PAYMENTS IN LIEU OF EARNINGS

For policies governing streamlined income determinations for fixed sources of income, please see Chapter 11.

Social Security/SSI Benefits

To verify the SS/SSI benefits of applicants, the GRHC will request a current year SSA benefit verification letter from each family member that receives social security benefits. If the family is

unable to provide the document(s), the GRHC will help the applicant request a benefit verification letter from SSA's Web site at www.ssa.gov or ask the family to request one by calling SSA at 1-800-772-1213. Once the applicant has received the benefit verification letter they will be required to provide it to the GRHC.

To verify the SS/SSI benefits of participants, the GRHC will obtain information about social security/SSI benefits through the HUD EIV System, and confirm with the participant(s) that the current listed benefit amount is correct. If the participant disputes the EIV-reported benefit amount, or if benefit information is not available in HUD systems, the GRHC will request a current SSA benefit verification letter from each family member that receives social security benefits. If the family is unable to provide the document(s) the GRHC will help the participant request a benefit verification letter from SSA's Web site at www.ssa.gov or ask the family to request one by calling SSA at 1-800-772-1213. Once the participant has received the benefit verification letter they will be required to provide it to the GRHC.

7-III.D. ALIMONY OR CHILD SUPPORT

The methods the GRHC will use to verify alimony and child support payments differ depending on whether the family declares that it receives regular payments.

If the family declares that it *receives regular payments*, verification will be obtained in the following order of priority:

- Copies of the receipts and/or payment stubs for the **60** calendar days prior to GRHC request
- Third-party verification form from the state or local child support enforcement agency
- Third-party verification form from the person paying the support
- Family's self-certification of amount received

If the family declares that it *receives irregular or no payments*, in addition to the verification process listed above, the family must provide evidence that it has taken all reasonable efforts to collect amounts due. This may include:

- A statement from any agency responsible for enforcing payment that shows the family has requested enforcement and is cooperating with all enforcement efforts
- If the family has made independent efforts at collection, a written statement from the attorney or other collection entity that has assisted the family in these efforts

Note: Families are not required to undertake independent enforcement action.

7-III.E. ASSETS AND INCOME FROM ASSETS

Assets Disposed of for Less than Fair Market Value

The family must certify whether any assets have been disposed of for less than fair market value in the preceding two years. The GRHC needs to verify only those certifications that warrant documentation [HCV GB, p. 5-28]. The GRHC will verify the value of assets disposed of only if:

- The GRHC does not already have a reasonable estimation of its value from previously collected information, or
- The amount reported by the family in the certification appears obviously in error.

Example 1: An elderly participant reported a \$10,000 certificate of deposit at the last annual reexamination and the PHA verified this amount. Now the person reports that she has given this \$10,000 to her son. The PHA has a reasonable estimate of the value of the asset; therefore, reverification of the value of the asset is not necessary.

Example 2: A family member has disposed of its 1/4 share of real property located in a desirable area and has valued her share at approximately \$5,000. Based upon market conditions, this declaration does not seem realistic. Therefore, the PHA will verify the value of this asset.

7-III.F. NET INCOME FROM RENTAL PROPERTY

The family must provide:

- A current executed lease for the property that shows the rental amount or certification from the current tenant.
- A self-certification from the family members engaged in the rental of property providing an estimate of expenses for the coming year and the most recent IRS Form 1040 with Schedule E (Rental Income).
- If schedule E was not prepared, the GRHC will require the family members involved in the rental of property to provide a self-certification of income and expenses for the previous year and may request documentation to support the statement including: tax statements, insurance invoices, bills for reasonable maintenance and utilities, and bank statements or amortization schedules showing monthly interest expense.

7-III.G. RETIREMENT ACCOUNTS

The GRHC will accept written third-party documents supplied by the family as evidence of the status of retirement accounts.

The type of original document that will be accepted depends upon the family member's retirement status.

- *Before* retirement, the GRHC will accept an original document from the entity holding the account with a date that shows it is the most recently scheduled statement for the account but in no case later than 60 calendar days from the GRHC request.
- *Upon* retirement, the GRHC will accept an original document from the entity holding the account that reflects any distributions of the account balance, any lump sums taken and any regular payments.

After retirement, the GRHC will accept an original document from the entity holding the account dated no but in no case later than 60 calendar days from the GRHC request.

7-III.H. INCOME FROM EXCLUDED SOURCES

A detailed discussion of excluded income is provided in Chapter 6, Part I.

HUD guidance on verification of excluded income draws a distinction between income which is fully excluded and income which is only partially excluded.

For fully excluded income, the GRHC is **not** required to follow the verification hierarchy, document why third-party verification is not available, or report the income on the 50058. Fully excluded income is defined as income that is entirely excluded from the annual income determination (for example, food stamps, earned income of a minor, or foster care funds) [Notice PIH 2013-04].

The GRHC will accept the family's self-certification as verification of fully excluded income. The GRHC may request additional documentation if necessary to document the income source.

For partially excluded income, the GRHC **is** required to follow the verification hierarchy and all applicable regulations, and to report the income on the 50058. Partially excluded income is defined as income where only a certain portion of what is reported by the family qualifies to be excluded and the remainder is included in annual income (for example, the income of an adult full-time student, or income excluded under the earned income disallowance).

The GRHC will verify the source and amount of partially excluded income as described in Part 1 of this chapter.

7-III.I. ZERO ANNUAL INCOME STATUS

If the family has reported zero income, the GRHC will conduct an interim reexamination every 3 months if the family continues to report that they have no income.

7-III.J. STUDENT FINANCIAL ASSISTANCE [Notice PIH 2015-21]

Any financial assistance, in excess of amounts received for tuition, fees, and other required charges that a person attending an institution of higher education receives under the Higher Education Act of 1965, from private sources, or from an institution of higher education must be considered income unless the student is over the age of 23 with dependent children or is residing with parents who are seeking or receiving HCV assistance [24 CFR 5.609(b)(9) and FR 4/10/06].

For students over the age of 23 with dependent children or students residing with parents who are seeking or receiving HCV assistance, the full amount of student financial assistance is excluded from annual income [24 CFR 5.609(c)(6)]. The full amount of student financial assistance is also excluded for students attending schools that do not qualify as institutions of higher education (as defined in Exhibit 3-2). Excluded amounts are verified only if, without verification, the GRHC would not be able to determine whether or to what extent the income is to be excluded (see section 7-III.H).

For a student subject to having a portion of his/her student financial assistance included in annual income in accordance with 24 CFR 5.609(b)(9), the GRHC will request written third-party verification of both the source and the amount. Family-provided documents from the educational institution attended by the student will be requested, as well as documents generated by any other person or entity providing such assistance, as reported by the student.

In addition, the GRHC will request written verification of the student's tuition, fees, and other required charges.

If the GRHC is unable to obtain third-party written verification of the requested information, the GRHC will pursue other forms of verification following the verification hierarchy in section 7-I.B.

7-III.K. PARENTAL INCOME OF STUDENTS SUBJECT TO ELIGIBILITY RESTRICTIONS

If a student enrolled at an institution of higher education is under the age of 24, is not a veteran, is not married, does not have a dependent child, and is not a person with disabilities receiving HCV assistance as of November 30, 2005, the income of the student's parents must be considered when determining income eligibility, unless the student is determined independent from his or her parents or a *vulnerable youth* in accordance with PHA policy [24 CFR 5.612, FR Notice 4/10/06, p. 18146, and FR Notice 9/21/16].

This provision does not apply to students residing with parents who are seeking or receiving HCV assistance. It is limited to students who are seeking or receiving assistance on their own, separately from their parents.

If the GRHC is required to determine the income eligibility of a student's parents, the GRHC will request an income declaration and certification of income from the appropriate parent(s) (as determined in section 3-II.E). The GRHC will send the request directly to the parents, who will be required to certify to their income under penalty of perjury. The parents will be required to submit the information directly to the GRHC. The required information must be submitted (postmarked) within 15 calendar days of the date of the GRHC's request or within any extended timeframe approved by the GRHC.

The GRHC reserves the right to request and review supporting documentation at any time if it questions the declaration or certification. Supporting documentation may include, but is not limited to, Internal Revenue Service (IRS) tax returns, consecutive and original pay stubs, bank statements, pension benefit statements, benefit award letters, and other official and authentic documents from a federal, state, or local agency.

PART IV: VERIFYING MANDATORY DEDUCTIONS

7-IV.A. DEPENDENT AND ELDERLY/DISABLED HOUSEHOLD DEDUCTIONS

The dependent and elderly/disabled family deductions require only that the GRHC verify that the family members identified as dependents or elderly/disabled persons meet the statutory definitions. No further verifications are required.

Dependent Deduction

See Chapter 6 (6-II.B.) for a full discussion of this deduction. The GRHC will verify that:

- Any person under the age of 18 for whom the dependent deduction is claimed is not the head, spouse, or cohead of the family and is not a foster child
- Any person age 18 or older for whom the dependent deduction is claimed is not a foster adult or live-in aide, and is a person with a disability or a full time student

Elderly/Disabled Family Deduction

See Eligibility chapter for a definition of elderly and disabled families and Chapter 6 (6-II.C.) for a discussion of the deduction. The GRHC will verify that the head, spouse, or cohead is 62 years of age or older or a person with disabilities.

7-IV.B. MEDICAL EXPENSE DEDUCTION

Policies related to medical expenses are found in 6-II.D. The amount of the deduction will be verified following the standard verification procedures described in Part I.

Amount of Expense

Medical expenses will be verified through:

- Written third-party documents provided by the family, such as pharmacy printouts or receipts.
- The GRHC will make a best effort to determine what expenses from the past are likely to continue to occur in the future. The GRHC will also accept evidence of monthly payments or total payments that will be due for medical expenses during the upcoming 12 months.
- Written third-party verification forms if the family is unable to provide acceptable documentation.
- If third-party or document review is not possible, written family certification as to costs anticipated to be incurred during the upcoming 12 months.

In addition, the GRHC will verify that:

- The household is eligible for the deduction.
- The costs to be deducted are qualified medical expenses.
- The expenses are not paid for or reimbursed by any other source.

- Costs incurred in past years are counted only once.

Eligible Household

The medical expense deduction is permitted only for households in which the head, spouse, or cohead is at least 62, or a person with disabilities. The GRHC will verify that the family meets the definition of an elderly or disabled family provided in the Eligibility chapter and as described in Chapter 7 (7-IV.A.) of this plan.

Qualified Expenses

To be eligible for the medical expenses deduction, the costs must qualify as medical expenses. See Chapter 6 (6-II.D.) for the GRHC's policy on what counts as a medical expense.

Unreimbursed Expenses

To be eligible for the medical expenses deduction, the costs must not be reimbursed by another source.

The family will be required to certify that the medical expenses are not paid or reimbursed to the family from any source. If expenses are verified through a third party, the third party must certify that the expenses are not paid or reimbursed from any other source.

Expenses Incurred in Past Years

When anticipated costs are related to on-going payment of medical bills incurred in past years, the GRHC will verify:

- The anticipated repayment schedule,
- The amounts paid in the past, and
- Whether the amounts to be repaid have been deducted from the family's annual income in past years

7-IV.C. DISABILITY ASSISTANCE EXPENSES

Policies related to disability assistance expenses are found in 6-II.E. The amount of the deduction will be verified following the standard verification procedures described in Part I.

Amount of Expense

Attendant Care

The GRHC will accept written third-party documents provided by the family.

If family-provided documents are not available, the GRHC will provide a third-party verification form directly to the care provider requesting the needed information.

Expenses for attendant care will be verified through:

- Written third-party documents provided by the family, such as receipts or cancelled checks.
- Third-party verification form signed by the provider, if family-provided documents are not available.

- If third-party verification is not possible, written family certification as to costs anticipated to be incurred for the upcoming 12 months.

Auxiliary Apparatus

Expenses for auxiliary apparatus will be verified through:

- Written third-party documents provided by the family, such as billing statements for purchase of auxiliary apparatus, or other evidence of monthly payments or total payments that will be due for the apparatus during the upcoming 12 months.
- Third-party verification form signed by the provider, if family-provided documents are not available.
- If third-party verification is not possible, written family certification of estimated apparatus costs for the upcoming 12 months.

In addition, the GRHC will verify that:

- The family member for whom the expense is incurred is a person with disabilities (as described in 7-II.F above).
- The expense permits a family member, or members, to work (as described in 6-II.E.).
- The expense is not reimbursed from another source (as described in 6-II.E.).

Family Member is a Person with Disabilities

To be eligible for the disability assistance expense deduction, the costs must be incurred for attendant care or auxiliary apparatus expense associated with a person with disabilities. The GRHC will verify that the expense is incurred for a person with disabilities (See 7-II.F.).

Family Member(s) Permitted to Work

The GRHC will verify that the expenses claimed enable a family member, or members, (including the person with disabilities) to work.

The GRHC will request third-party verification from a rehabilitation agency or knowledgeable medical professional indicating that the person with disabilities requires attendant care or an auxiliary apparatus to be employed, or that the attendant care or auxiliary apparatus enables another family member, or members, to work (See 6-II.E.). This documentation may be provided by the family.

If third-party verification has been attempted and is either unavailable or proves unsuccessful, the family must certify that the disability assistance expense frees a family member, or members (possibly including the family member receiving the assistance), to work.

Unreimbursed Expenses

To be eligible for the disability expenses deduction, the costs must not be reimbursed by another source. The family will be required to certify that attendant care or auxiliary apparatus expenses are not paid by or reimbursed to the family from any source.

7-IV.D. CHILD CARE EXPENSES

Policies related to child care expenses are found in Chapter 6 (6-II.F). The amount of the deduction will be verified following the standard verification procedures described in Part I of this chapter. In addition, the GRHC will verify that:

- The child is eligible for care (12 or younger).
- The costs claimed are not reimbursed.
- The costs enable a family member to work, actively seek work, or further their education.
- The costs are for an allowable type of child care.
- The costs are reasonable.

Eligible Child

To be eligible for the child care deduction, the costs must be incurred for the care of a child under the age of 13. The GRHC will verify that the child being cared for (including foster children) is under the age of 13 (See 7-II.C.).

Unreimbursed Expense

To be eligible for the child care deduction, the costs must not be reimbursed by another source. The family (and the care provider) will be required to certify that the child care expenses are not paid or reimbursed to the family from any source.

Pursuing an Eligible Activity

The GRHC will verify that the family member(s) that the family has identified as being enabled to seek work, pursue education, or be gainfully employed, are actually pursuing those activities.

Information to be Gathered

The GRHC will verify information about how the schedule for the claimed activity relates to the hours of care provided, the time required for transportation, the time required for study (for students), the relationship of the family member(s) to the child, and any special needs of the child that might help determine which family member is enabled to pursue an eligible activity.

Seeking Work

Whenever possible the GRHC will use documentation from a state or local agency that monitors work-related requirements (e.g., welfare or unemployment). In such cases the GRHC will request family-provided verification from the agency of the member's job seeking efforts to date, and require the family to submit to the GRHC any reports provided to the other agency.

In the event third-party verification is not available, the GRHC will provide the family with a form on which the family member must record job search efforts. The GRHC will review this information at each subsequent reexamination for which this deduction is claimed.

Furthering Education

The GRHC will request third-party documentation to verify that the person permitted to further his or her education by the child care is enrolled and provide information about the timing of classes for which the person is registered. The documentation may be provided by the family.

Gainful Employment

The GRHC will seek third-party verification of the work schedule of the person who is permitted to work by the child care. In cases in which two or more family members could be permitted to work, the work schedules for all relevant family members may be verified. The documentation may be provided by the family.

Allowable Type of Child Care

The type of care to be provided is determined by the family, but must fall within certain guidelines, as discussed in Chapter 6.

The GRHC will verify that the type of child care selected by the family is allowable, as described in Chapter 6 (6-II.F).

The GRHC will verify that the fees paid to the child care provider cover only child care costs (e.g., no housekeeping services or personal services) and are paid only for the care of an eligible child (e.g., prorate costs if some of the care is provided for ineligible family members).

The GRHC will verify that the child care provider is not an assisted family member. Verification will be made through the head of household's declaration of family members who are expected to reside in the unit.

Reasonableness of Expenses

Only reasonable child care costs can be deducted.

The actual costs the family incurs will be compared with the GRHC's established standards of reasonableness for the type of care in the locality to ensure that the costs are reasonable.

If the family presents a justification for costs that exceed typical costs in the area, the GRHC will request additional documentation, as required, to support a determination that the higher cost is appropriate.

| EXHIBIT 7-1: SUMMARY OF DOCUMENTATION REQUIREMENTS FOR NONCITIZENS [HCV GB, pp. 5-9 and 5-10] | |
|--|--|
| <ul style="list-style-type: none"> • All noncitizens claiming eligible status must sign a declaration of eligible immigrant status on a form acceptable to the PHA. • Except for persons 62 or older, all noncitizens must sign a verification consent form • Additional documents are required based upon the person's status. | |
| Elderly Noncitizens <ul style="list-style-type: none"> • A person 62 years of age or older who claims eligible immigration status also must provide proof of age such as birth certificate, passport, or documents showing receipt of SS old-age benefits. | |
| All other Noncitizens <ul style="list-style-type: none"> • Noncitizens that claim eligible immigration status also must present the applicable USCIS document. Acceptable USCIS documents are listed below. | |
| <ul style="list-style-type: none"> • Form I-551 Alien Registration Receipt Card (for permanent resident aliens) • Form I-94 Arrival-Departure Record annotated with one of the following: <ul style="list-style-type: none"> • “Admitted as a Refugee Pursuant to Section 207” • “Section 208” or “Asylum” • “Section 243(h)” or “Deportation stayed by Attorney General” • “Paroled Pursuant to Section 221 (d)(5) of the USCIS” | <ul style="list-style-type: none"> • Form I-94 Arrival-Departure Record with no annotation accompanied by: <ul style="list-style-type: none"> • A final court decision granting asylum (but only if no appeal is taken); • A letter from a USCIS asylum officer granting asylum (if application is filed on or after 10/1/90) or from a USCIS district director granting asylum (application filed before 10/1/90); • A court decision granting withholding of deportation; or • A letter from an asylum officer granting withholding or deportation (if application filed on or after 10/1/90). |
| <ul style="list-style-type: none"> • Form I-688 Temporary Resident Card annotated “Section 245A” or Section 210”. | <ul style="list-style-type: none"> • Form I-688B Employment Authorization Card annotated “Provision of Law 274a. 12(11)” or “Provision of Law 274a.12”. |
| <ul style="list-style-type: none"> • A receipt issued by the USCIS indicating that an application for issuance of a replacement document in one of the above listed categories has been made and the applicant’s entitlement to the document has been verified; or • Other acceptable evidence. If other documents are determined by the USCIS to constitute acceptable evidence of eligible immigration status, they will be announced by notice published in the <i>Federal Register</i> | |

Chapter 8

HOUSING QUALITY STANDARDS AND RENT REASONABLENESS DETERMINATIONS

[24 CFR 982 Subpart I and 24 CFR 982.507]

| | |
|---|----|
| INTRODUCTION | 2 |
| PART I: PHYSICAL STANDARDS | 3 |
| 8-I.A. GENERAL HUD REQUIREMENTS | 3 |
| 8-I.B. ADDITIONAL LOCAL REQUIREMENTS | 4 |
| 8-I.C. LIFE-THREATENING CONDITIONS | 5 |
| 8-I.D. OWNER AND FAMILY RESPONSIBILITIES | 7 |
| 8-I.E. SPECIAL REQUIREMENTS FOR CHILDREN WITH ELEVATED BLOOD LEAD LEVEL | 7 |
| 8-I.F. VIOLATION OF HQS SPACE STANDARDS | 8 |
| PART II: THE INSPECTION PROCESS | 9 |
| 8-II.A. OVERVIEW | 9 |
| 8-II.B. INITIAL HQS INSPECTION | 10 |
| 8-II.C. ANNUAL/BIENNIAL HQS INSPECTIONS | 11 |
| 8-II.D. SPECIAL INSPECTIONS | 12 |
| 8-II.E. QUALITY CONTROL INSPECTIONS | 12 |
| 8-II.F. INSPECTION RESULTS AND REINSPECTIONS FOR UNITS UNDER HAP CONTRACT | 12 |
| 8-II.G. ENFORCING OWNER COMPLIANCE | 13 |
| 8-II.H. ENFORCING FAMILY COMPLIANCE WITH HQS | 14 |
| PART III: RENT REASONABLENESS | 15 |
| 8-III.A. OVERVIEW | 15 |
| 8-III.B. WHEN RENT REASONABLENESS DETERMINATIONS ARE REQUIRED | 15 |
| 8-III.C. HOW COMPARABILITY IS ESTABLISHED | 16 |
| 8-III.D. GRHC RENT REASONABLENESS METHODOLOGY | 17 |
| EXHIBIT 8-1: OVERVIEW OF HUD HOUSING QUALITY STANDARDS | 19 |
| EXHIBIT 8-2: SUMMARY OF TENANT PREFERENCE AREAS RELATED TO HOUSING QUALITY | 22 |

INTRODUCTION

HUD requires that all units occupied by families receiving Housing Choice Voucher (HCV) assistance meet HUD's Housing Quality Standards (HQS) and permits the PHA to establish additional requirements. The use of the term "HQS" in this plan refers to the combination of both HUD and GRHC-established and future requirements. The current inspection standard is located in 24 CFR 982.

All units must pass an HQS inspection prior to the approval of a lease and at least once every 24 months during the term of the contract, and at other times as needed, to determine that the unit meets HQS. HUD also requires the GRHC to determine that rents for units under the program are reasonable when compared to comparable unassisted units in the market area.

This chapter explains HUD and GRHC requirements related to housing quality and rent reasonableness as follows:

Part I. Physical Standards. This part discusses the physical standards required of units occupied by HCV-assisted families and identifies decisions about the acceptability of the unit that may be made by the family based upon the family's preference. It also identifies life-threatening conditions that must be addressed on an expedited basis.

Part II. The Inspection Process. This part describes the types of inspections the GRHC will make and the steps that will be taken when units do not meet HQS.

Part III. Rent Reasonableness Determinations. This part discusses the policies the GRHC will use to make rent reasonableness determinations.

Special HQS requirements for homeownership, manufactured homes, and other special housing types are discussed in Chapter 15 to the extent that they apply in this jurisdiction.

PART I: PHYSICAL STANDARDS

8-I.A. GENERAL HUD REQUIREMENTS

HUD Performance and Acceptability Standards

HUD's performance and acceptability standards for HCV-assisted housing are provided in 24 CFR 982.401. These standards cover the following areas:

- Sanitary facilities
- Food preparation and refuse disposal
- Space and Security
- Thermal Environment
- Illumination and electricity
- Structure and materials
- Interior Air Quality
- Water Supply
- Lead-based paint
- Access
- Site and neighborhood
- Sanitary condition
- Smoke Detectors

A summary of HUD performance criteria is provided in Exhibit 8-1. Additional guidance on these requirements is found in the following HUD resources:

- Housing Choice Voucher Guidebook, Chapter 10.
- HUD Housing Inspection Manual for Section 8 Housing
- HUD Inspection Form, form HUD-52580 (3/01) and Inspection Checklist, form HUD-52580-A (9/00)
- HUD Notice 2003-31, Accessibility Notice: Section 504 of the Rehabilitation Act of 1973; the Americans with Disabilities Act of 1990; the Architectural Barriers Act of 1968 and the Fair Housing Act of 1988.

Tenant Preference Items

HUD requires the GRHC to enforce minimum HQS but also recognizes that certain judgments about the acceptability of the unit are left to the family. For example, the GRHC will ensure that the unit contains the required sanitary facilities, but the family decides whether the cosmetic appearance of the facilities is acceptable. Exhibit 8-2 summarizes those items that are considered tenant preferences.

Modifications to Provide Accessibility

Under the Fair Housing Act of 1988 an owner must not refuse the request of a family that contains a person with a disability to make necessary and reasonable modifications to the unit. Such modifications are at the family's expense. The owner may require restoration of the unit to its original condition if the modification would interfere with the owner or next occupant's full enjoyment of the premises. The owner may not increase a customarily required security deposit. However, the landlord may negotiate a restoration agreement that requires the family to restore the unit and, if necessary to ensure the likelihood of restoration, may require the tenant to pay a reasonable amount into an interest-bearing escrow account over a reasonable period of time. Any owner that intends to negotiate a restoration agreement or requires an escrow account must submit the agreement(s) to the GRHC for review. The interest in any such account accrues to the benefit of the tenant. The owner may also require reasonable assurances that the quality of the work will be acceptable and that any required building permits will be obtained. [24 CFR 100.203; Notice 2003-31].

Modifications to units to provide access for a person with a disability must meet all applicable HQS requirements and conform to the design, construction, or alteration of facilities contained in the UFAS and the ADA Accessibility Guidelines (ADAAG) [28 CFR 35.151(c) and Notice 2003-31] See Chapter 2 of this plan for additional information on reasonable accommodations for persons with disabilities.

8-I.B. ADDITIONAL LOCAL REQUIREMENTS

The GRHC has no additional local requirements.

Thermal Environment [HCV GB p.10-7]

The heating system must be capable of maintaining an interior temperature of 65 degrees Fahrenheit between October 1 and May 1.

Clarifications of HUD Requirements

As permitted by HUD, the GRHC has adopted the following specific requirements that elaborate on HUD standards.

Walls

In areas where plaster or drywall is sagging, severely cracked, or otherwise damaged, it must be repaired or replaced.

Windows

Window sashes must be in good condition, solid and intact, and properly fitted to the window frame. Damaged or deteriorated sashes must be replaced.

Windows must be weather-stripped as needed to ensure a weather-tight seal.

Window screens must be in good condition (applies only if screens are present).

Doors

All exterior doors must be weather-tight to avoid any air or water infiltration, be lockable, have no holes, have all trim intact, and have a threshold.

All interior doors must have no holes, have all trim intact, and be openable without the use of a key.

Floors

All wood floors must be sanded to a smooth surface and sealed. Any loose or warped boards must be resecured and made level. If they cannot be leveled, they must be replaced.

All floors must be in a finished state. Raw wood or unsealed concrete is not permitted.

All floors should have some type of base shoe, trim, or sealing for a "finished look." Vinyl base shoe is permitted.

Sinks

All sinks and commode water lines must have shut off valves, unless faucets are wall mounted.

All sinks must have functioning stoppers.

Toilets

All worn or cracked toilet seats and tank lids must be replaced and toilet tank lid must fit properly.

Security

If window security bars or security screens are present on emergency exit windows, they must be equipped with a quick release system. The owner is responsible for ensuring that the family is instructed on the use of the quick release system.

8-I.C. LIFE-THREATENING CONDITIONS [24 CFR 982.404(A); FR NOTICE 1/18/17]

The following are considered life-threatening conditions and must be corrected within 24 hours of GRHC notification:

- Any condition that jeopardizes the security of the unit
- Major plumbing leaks or flooding, waterlogged ceiling or floor in imminent danger of falling
- Natural or LP gas or fuel oil leaks
 - A fuel storage vessel, fluid line, valve, or connection that supplies fuel to a HVAC unit is leaking or a strong odor is detected with potential for explosion or fire or that results in a health risk if inhaled
- Any electrical problem or condition that could result in shock or fire
 - A light fixture that is readily accessible, is not securely mounted to the ceiling or wall, and electrical connections or wires are exposed
 - A light fixture is hanging by its wires
 - A light fixture has a missing or broken bulb, and the open socket is readily accessible to the tenant during the day-to-day use of the unit
 - A receptacle (outlet) or switch is missing or broken and electrical connections or wires are exposed
 - An open circuit breaker position is not appropriately blanked off in a panel board,

- main panel board, or other electrical box that contains circuit breakers or fuses
 - A cover is missing from any electrical device box, panel box, switch gear box, control panel, etc., and there are exposed electrical connections
 - Any nicks, abrasions, or fraying of the insulation that exposes conducting wire
 - Exposed bare wires or electrical connections
 - Any condition that results in openings in electrical panels or electrical control device enclosures
 - Water leaking or ponding near any electrical device
 - Any condition that poses a serious risk of electrocution or fire and poses an immediate life-threatening condition
- Absence of a working heating system when outside temperature is below 60 degrees Fahrenheit.
- Utilities not in service, including no running hot water
- Conditions that present the imminent possibility of injury
- Obstacles that prevent safe entrance or exit from the unit
 - Any components that affect the function of the fire escape are missing or damaged
 - Stored items or other barriers restrict or prevent the use of the fire escape in the event of an emergency
 - The building's emergency exit is blocked or impeded, thus limiting the ability of occupants to exit in a fire or other emergency
- Absence of a functioning toilet in the unit
- Inoperable or missing smoke detectors
- Missing or inoperable carbon monoxide detector
- Missing, damaged, discharged, overcharged, or expired fire extinguisher (where required)
- Gas/oil-fired water heater or heating, ventilation, or cooling system with missing, damaged, improper, or misaligned chimney venting
 - The chimney or venting system on a fuel-fired water heater is misaligned, negatively pitched, or damaged, which may cause improper or dangerous venting or gases
 - A gas dryer vent is missing, damaged, or is visually determined to be inoperable, or the dryer exhaust is not vented to the outside
 - A fuel-fired space heater is not properly vented or lacks available combustion air
 - A non-vented space heater is present
 - Safety devices on a fuel-fired space heater are missing or damaged
 - The chimney or venting system on a fuel-fired heating, ventilation, or cooling system is misaligned, negatively pitched, or damaged, which may cause improper or

dangerous venting of gas

- Deteriorating paint as defined at 24 CFR 35.110 in a unit built before 1978 that is to be occupied by a family with a child under six years of age if it would prevent the family from moving into the unit

If an owner fails to correct life-threatening conditions as required by the GRHC, the GRHC will enforce the HQS in accordance with HUD requirements. See 8-II-G.

If a family fails to correct a family-caused life-threatening condition as required by the GRHC, the GRHC will enforce the family obligations. See 8-II.H.

The owner will be required to repair an inoperable smoke detector unless the GRHC determines that the family has intentionally disconnected it (by removing batteries or other means). In this case, the family will be required to repair the smoke detector within 24 hours.

8-I.D. OWNER AND FAMILY RESPONSIBILITIES [24 CFR 982.404]

Family Responsibilities

The family is responsible for correcting the following HQS deficiencies:

- Tenant-paid utilities not in service
- Failure to provide or maintain appliances owned by the family
- Damage to the unit or premises caused by a household member or guest beyond normal wear and tear that results in a breach of the HQS. "Normal wear and tear" is defined as items which could not be charged against the tenant's security deposit under state law or court practice.

Owner Responsibilities

The owner is responsible for all HQS violations not listed as a family responsibility above, even if the violation is caused by the family's living habits (e.g., vermin infestation). However, if the family's actions constitute a serious or repeated lease violation the owner may take legal action to evict the family.

8-I.E. SPECIAL REQUIREMENTS FOR CHILDREN WITH ELEVATED BLOOD LEAD LEVEL [24 CFR 35.1225; FR NOTICE 1/13/17; NOTICE PIH 2017-13]

If the GRHC is notified by a public health department or other medical health care provider, or verifies information from a source other than a public health department or medical health care provider, that a child of less than six years of age, living in an HCV-assisted unit has been identified as having an elevated blood lead level, the GRHC will complete an environmental investigation of the dwelling unit within 15 calendar days after being notified by a public health department or other medical health care provider. The environmental investigation must be completed in accordance with program requirements, and the result of the environmental investigation must be immediately provided to the owner of the dwelling unit. In cases where the public health department has already completed an evaluation of the unit, this information must be provided to the owner.

Within 30 days after receiving the environmental investigation report from the GRHC, or the evaluation from the public health department, the owner is required to complete the reduction of

identified lead-based paint hazards in accordance with the lead-based paint regulations [24 CFR 35.1325 and 35.1330; 40 CFR 745.227]. If the owner does not complete the “hazard reduction” as required, the dwelling unit is in violation of HQS and the GRHC will take action in accordance with Section 8-II.G.

8-I.F. VIOLATION OF HQS SPACE STANDARDS [24 CFR 982.401, 24 CFR 982.403]

A dwelling unit must:

- Provide adequate space and security for the family
- Have at least one bedroom or living/sleeping room for each two persons

A unit that does not meet these HQS space standards is defined as *overcrowded*.

A living room may be used as sleeping (bedroom) space, but no more than two persons may occupy the space [HCV GB p. 10-6]. A bedroom or living/sleeping room must have at least:

- One window
- Two electrical outlets in proper operating condition (permanent overhead or wall-mounted light fixtures may count as one of the required electrical outlets)

If the GRHC determines that a unit is overcrowded because of an increase in family size or a change in family composition, the GRHC will issue the family a new voucher, and the family and GRHC will try to find an acceptable unit as soon as possible. If an acceptable unit is available for rental by the family, the GRHC will terminate the HAP contract in accordance with its terms.

PART II: THE INSPECTION PROCESS

8-II.A. OVERVIEW [24 CFR 982.405]

Types of Inspections

The GRHC conducts the following types of inspections as needed. Each type of inspection is discussed in the paragraphs that follow.

- *Initial Inspections.* The GRHC conducts initial inspections in response to a request from the family to approve a unit for participation in the HCV program.
- *Annual/Biennial Inspections.* HUD requires the GRHC to inspect each unit under lease at least annually or biennially, depending on GRHC policy, to confirm that the unit still meets HQS. The inspection may be conducted in conjunction with the family's annual reexamination but also may be conducted separately.
- *Special Inspections.* A special inspection may be requested by the owner, the family, or a third party as a result of problems identified with a unit between annual inspections.
- *Quality Control Inspections.* HUD requires that a sample of units be inspected by a supervisor or other qualified individual to evaluate the work of the inspector(s) and to ensure that inspections are performed in compliance with the HQS.

Inspection of GRHC-Owned Units [24 CFR 982.352(b)]

The GRHC must obtain the services of an independent entity to perform all HQS inspections in cases where an HCV family is receiving assistance in a GRHC-owned unit. A GRHC-owned unit is defined as a unit that is owned by the GRHC that administers the assistance under the consolidated ACC (including a unit owned by an entity substantially controlled by the GRHC). The independent agency must communicate the results of each inspection to the family and the GRHC. The independent agency must be approved by HUD and may be the unit of general local government for the GRHC jurisdiction (unless the GRHC is itself the unit of general local government or an agency of such government).

GRHC MTW Flexibility

The GRHC will no longer require a third party to conduct inspections at PBV properties that the GRHC has an interest in. The GRHC will follow the inspection process utilizing the current HUD inspection method that is used for all other properties (HQS). The inspections will be subject to GRHC's voucher program quality control process. Participants will also be able to request an interim inspection or review by a supervisor at any time if they feel an inspection need was not met.

Inspection Costs [Notice PIH 2016-05]

The GRHC will not charge the family for unit inspections or reinspection [24 CFR 982.405(e)].

The GRHC will not charge the owner for the inspection of the unit prior to the initial term of the lease or for a first inspection during assisted occupancy of the unit. The GRHC will not charge a fee for failed reinspection.

Remote Video Inspections (RVIs) [Notice PIH 2020-31]

The GRHC will not conduct any HQS inspection using RVI.

Notice and Scheduling

Both the family and the owner will be given reasonable notice of all inspections. Except in the case of a life-threatening emergency, reasonable notice is considered to be not less than 48 hours. Inspections may be scheduled between 8:00 a.m. and 5:00 p.m. Generally, inspections will be conducted on business days only. In the case of a life-threatening emergency, the GRHC will give as much notice as possible, given the nature of the emergency.

Owner and Family Inspection Attendance

When a family occupies the unit at the time of inspection an authorized adult must be present for the inspection. The presence of the owner or the owner's representative is encouraged but is not required.

At initial inspection of a vacant unit, the GRHC will inspect the unit in the presence of the owner or owner's representative. The presence of a family representative is permitted but is not required.

8-II.B. INITIAL HQS INSPECTION [24 CFR 982.401(A)]

Initial Inspections [FR Notice 1/18/17]

The unit must pass the HQS inspection on or before the effective date of the HAP contract.

The GRHC will not rely on alternative inspections and will conduct an HQS inspection for each unit prior to executing a HAP contract with the owner.

GRHC MTW Flexibility

The GRHC will offer pre-qualifying inspections for units in its jurisdiction. Passing pre-qualifying inspections will be valid for 90 days from the passed inspection date. Participants will be able to request an interim inspection after moving in.

Timing of Initial Inspections

The GRHC will complete the initial inspection, determine whether the unit satisfies HQS, and notify the owner and the family of the determination within 15 days of submission of the Request for Tenancy Approval (RTA).

Inspection Results and Reinspection

If any HQS violations are identified, the owner will be notified of the deficiencies and be given a time frame to correct them. If requested by the owner, the time frame for correcting the deficiencies may be extended by the GRHC for good cause. The GRHC will reinspect the unit within seven (7) calendar days of the date the owner notifies the GRHC that the required corrections have been made.

If the time period for correcting the deficiencies (or any GRHC -approved extension) has lapsed, or the unit fails HQS at the time of the reinspection, the GRHC will notify the owner and the family that the unit has been rejected and that the family must search for another unit. The GRHC may agree to conduct a second reinspection, for good cause, at the request of the family and owner.

Following a failed reinspection, the family may submit a new Request for Tenancy Approval for the same unit after the owner has made repairs, if they are unable to locate another suitable unit.

Utilities

Generally, at initial lease-up the owner is responsible for demonstrating that all utilities are in working order including those utilities that the family will be responsible for paying.

If utility service is not available for testing at the time of the initial inspection, the GRHC will allow the utilities to be placed in service after the unit has met all other HQS requirements. The GRHC will reinspect the unit to confirm that utilities are operational before the HAP contract is executed by the GRHC.

Appliances [Form HUD-52580]

If the family is responsible for supplying the stove and/or refrigerator, the GRHC will allow the stove and refrigerator to be placed in the unit after the unit has met all other HQS requirements. The required appliances must be in place before the HAP contract is executed by the GRHC. The GRHC will execute the HAP contract based upon a certification from the family that the appliances have been installed and are working. A confirmatory inspection will be scheduled within 30 calendar days of HAP contract approval.

8-II.C. ANNUAL/BIENNIAL HQS INSPECTIONS [24 CFR 982.405 AND 982.406; NOTICE PIH 2016-05]

Scheduling the Inspection

If an adult cannot be present on the scheduled date, the family should request that the GRHC reschedule the inspection. The GRHC and family will agree on a new inspection date that generally should take place within seven (7) calendar days of the originally scheduled date. The GRHC may schedule an inspection more than seven (7) calendar days after the original date for good cause.

If the family misses the first scheduled appointment without requesting a new inspection date, the GRHC will automatically schedule a second inspection. If the family misses two scheduled inspections without GRHC approval, the GRHC will consider the family to have violated its obligation to make the unit available for inspection. This may result in termination of the family's assistance in accordance with Chapter 12.

GRHC MTW Flexibility

Each unit under HAP contract must be inspected biennially within 24 months of the last full HQS inspection. If a unit is found to have a HQS fail, unit will be required to participate in annual inspections for the subject unit for the period of 24 months before being returned to biennial inspections.. One or more substantiated complaints will also require the owner of that unit to participate in annual inspections for the period of 24 months before being returned to biennial inspections. The GRHC reserves the right to require annual inspections of any owner at any time. The GRHC will not rely on alternative inspection standards.

8-II.D. SPECIAL INSPECTIONS [24 CFR 982.405(G)]

If a participant or government official reports a life-threatening condition which the owner would be required to repair within 24 hours, the GRHC will inspect the unit within 24 hours of notification. If the reported condition is not life-threatening, the GRHC will inspect the unit within 15 days of notification.

During a special inspection, the GRHC generally will inspect only those deficiencies that were reported. However, the inspector will record any additional HQS deficiencies that are observed and will require the responsible party to make the necessary repairs.

If the annual/biennial inspection has been scheduled or is due within 90 days of the date the special inspection is scheduled the GRHC may elect to conduct a full annual/biennial inspection.

8-II.E. QUALITY CONTROL INSPECTIONS [24 CFR 982.405(B); 24 CFR 985.3(E); HCV GB, P. 10-32]

HUD requires a GRHC supervisor or other qualified person to conduct quality control inspections of a sample of units to ensure that each inspector is conducting accurate and complete inspections and that there is consistency in the application of the HQS.

The unit sample must include only units that have been inspected within the preceding three months. The selected sample should be drawn to represent a cross section of neighborhoods and the work of a cross section of inspectors.

8-II.F. INSPECTION RESULTS AND REINSPECTIONS FOR UNITS UNDER HAP CONTRACT

Notification of Corrective Actions

When life-threatening conditions are identified, the GRHC will immediately notify both parties by telephone or email. The notice will specify who is responsible for correcting the violation. The corrective actions must be taken within 24 hours of the GRHC's notice.

When failures that are not life-threatening are identified, the GRHC will send the owner and the family a written notification of the inspection results within seven (7) calendar days of the inspection. The written notice will specify who is responsible for correcting the violation, and the time frame within which the failure must be corrected. Generally, not more than 30 calendar days will be allowed for the correction.

The notice of inspection results will inform the owner that if life-threatening conditions are not corrected within 24 hours, and non-life threatening conditions are not corrected within the specified time frame (or any GRHC-approved extension), the owner's HAP will be abated in accordance with GRHC policy (see 8-II.G.).

Likewise, in the case of family caused deficiencies, the notice will inform the family that if corrections are not made within the specified time frame (or any GRHC-approved extension, if applicable) the family's assistance will be terminated in accordance with GRHC policy (see Chapter 12).

Extensions

For conditions that are life-threatening, the GRHC will not grant an extension to the 24 hour corrective action period. For conditions that are not life-threatening, extensions will be granted in cases where the GRHC has determined that the owner has made a good faith effort to correct the deficiencies and is unable to for reasons beyond the owner's control. Reasons may include, but are not limited to:

- A repair cannot be completed because required parts or services are not available.
- A repair cannot be completed because of weather conditions.
- A reasonable accommodation is needed because the family includes a person with disabilities.

The length of the extension will be determined on a case-by-case basis, but will not exceed 60 calendar days, except in the case of delays caused by weather conditions. In the case of weather conditions, extensions may be continued until the weather has improved sufficiently to make repairs possible. The necessary repairs must be made within 15 calendar days once the weather conditions have subsided.

Reinspection

The GRHC will conduct a reinspection immediately following the end of the corrective period, or any GRHC approved extension.

The family and owner will be given reasonable notice of the reinspection appointment. If the deficiencies have not been corrected by the time of the reinspection, the GRHC will send a notice of abatement to the owner, or in the case of family caused violations, a notice of termination to the family, in accordance with GRHC policies. If the GRHC is unable to gain entry to the unit in order to conduct the scheduled reinspection, the PHA will consider the family to have violated its obligation to make the unit available for inspection. This may result in termination of the family's assistance in accordance with Chapter 12.

8-II.G. ENFORCING OWNER COMPLIANCE

If the owner fails to maintain the dwelling unit in accordance with HQS, the GRHC will take prompt and vigorous action to enforce the owner obligations.

HAP Abatement

If an owner fails to correct HQS deficiencies by the time specified by the GRHC, HUD requires the GRHC to abate housing assistance payments no later than the first of the month following the specified correction period (including any approved extension) [24 CFR 985.3(f)]. No retroactive

payments will be made to the owner for the period of time the rent was abated. Owner rents are not abated as a result of HQS failures that are the family's responsibility.

The GRHC will make all HAP abatements effective the first of the month following the expiration of the GRHC specified correction period (including any extension).

The GRHC will inspect abated units within seven (7) calendar days of the owner's notification that the work has been completed. Payment will resume effective on the day the unit passes inspection.

During any abatement period the family continues to be responsible for its share of the rent. The owner must not seek payment from the family for abated amounts and may not use the abatement as cause for eviction.

HAP Contract Termination

The maximum length of time that HAP may be abated is 90 calendar days. However, if the owner completes corrections and notifies the GRHC before the termination date of the HAP contract, the GRHC may rescind the termination notice if (1) the family still resides in the unit and wishes to remain in the unit and (2) the unit passes inspection.

The GRHC will not terminate the contract until the family finds another unit, provided the family does so in a reasonable time [HCV GB p. 10-29] and will give the owner 30 calendar days of notice of termination. The GRHC will issue a voucher to permit the family to move to another unit as described in Chapter 10.

8-II.H. ENFORCING FAMILY COMPLIANCE WITH HQS [24 CFR 982.404(B)]

Families are responsible for correcting any HQS violations listed in paragraph 8.I.D. If the family fails to correct a violation within the period allowed by the GRHC (and any extensions), the GRHC will terminate the family's assistance, according to the policies described in Chapter 12.

If the owner carries out a repair for which the family is responsible under the lease, the owner may bill the family for the cost of the repair.

PART III: RENT REASONABLENESS [24 CFR 982.507]

8-III.A. OVERVIEW

Except in the case of certain LIHTC- and HOME-assisted units, no HAP contract can be approved until the GRHC has determined that the rent for the unit is reasonable. The purpose of the rent reasonableness test is to ensure that a fair rent is paid for each unit rented under the HCV program.

HUD regulations define a reasonable rent as one that does not exceed the rent charged for comparable, unassisted units in the same market area. HUD also requires that owners not charge more for assisted units than for comparable units on the premises. This part explains the method used to determine whether a unit's rent is reasonable.

GRHC-Owned Units [24 CFR 982.352(b)]

In cases where an HCV family is receiving assistance in a GRHC-owned unit, the GRHC must obtain the services of an independent entity to determine rent reasonableness in accordance with program requirements, and to assist the family in negotiating the contract rent when the family requests assistance. A GRHC-owned unit is defined as a unit that is owned by the GRHC that administers the assistance under the consolidated ACC (including a unit owned by an entity substantially controlled by the GRHC). The independent agency must communicate the results of the rent reasonableness determination to the family and the GRHC. The independent agency must be approved by HUD, and may be the unit of general local government for the GRHC jurisdiction (unless the GRHC is itself the unit of general local government or an agency of such government).

GRHC MTW Flexibility

The GRHC will no longer require a third party to conduct rent reasonableness tests at PBV properties that the GRHC owns, manages, or controls. The GRHC will follow the rent reasonableness process used for all other HCV properties and conduct the test using a Web based service provided by a third party. These tests will be subject to GRHC's voucher program quality control processes.

8-III.B. WHEN RENT REASONABLENESS DETERMINATIONS ARE REQUIRED

Owner-Initiated Rent Determinations

The GRHC will make a rent reasonableness determination at initial occupancy and whenever the owner requests a rent adjustment.

The owner and family first negotiate the rent for a unit. The GRHC (or independent agency in the case of GRHC-owned units) will assist the family with the negotiations upon request. At initial occupancy the GRHC must determine whether the proposed rent is reasonable before a HAP Contract is signed. The owner must not change the rent during the initial lease term. Subsequent requests for rent adjustments must be consistent with the lease between the owner and the family. Rent increases will not be approved unless any failed items identified by the most

recent HQS inspection have been corrected.

After the initial occupancy period, the owner may request an annual rent adjustment effective on the participant's anniversary date. For rent increase requests after initial lease-up, the GRHC may request owners to provide information about the rents charged for other units on the premises, if the premises include more than 4 units. In evaluating the proposed rents in comparison to other units on the premises the GRHC will consider unit size and length of tenancy in the other units.

The GRHC will determine whether the requested increase is reasonable within 15 calendar days of receiving the request from the owner. The owner will be notified of the determination in writing.

An owner's request for a rent increase must be submitted to the GRHC 60 calendar days prior to the anniversary date of the HAP contract, and must include the new rent amount the owner is proposing.

PHA and HUD-Initiated Rent Reasonableness Determinations

The GRHC will make a determination of rent reasonableness (even if the owner has not requested a change) if there is a 10 percent decrease in the fair market rent that goes into effect at least 60 days before the contract anniversary date. HUD also may direct the GRHC to make a determination at any other time. The GRHC may decide that a new determination of rent reasonableness is needed at any time.

In addition to the instances described above, the GRHC will make a determination of rent reasonableness at any time after the initial occupancy period if: (1) the GRHC determines that the initial rent reasonableness determination was in error or (2) the GRHC determines that the information provided by the owner about the unit or other units on the same premises was incorrect.

LIHTC and HOME-Assisted Units [24 CFR 982.507(c)]

For units receiving low-income housing tax credits (LIHTCs) or units assisted under HUD's HOME Investment Partnerships (HOME) Program, a rent comparison with unassisted units is not required if the voucher rent does not exceed the rent for other LIHTC- or HOME-assisted units in the project that are not occupied by families with tenant-based assistance.

For LIHTCs, if the rent requested by the owner does exceed the LIHTC rents for non-voucher families, the GRHC must perform a rent comparability study in accordance with program regulations. In such cases, the rent shall not exceed the lesser of: (1) the reasonable rent as determined from the rent comparability study; or (2) the payment standard established by the PHA for the unit size involved.

8-III.C. HOW COMPARABILITY IS ESTABLISHED

Factors to Consider

The GRHC will take into consideration the factors listed below when determining rent comparability. The GRHC may use these factors to make upward or downward adjustments to the rents of comparison units when the units are not identical to the HCV-assisted unit.

- Location and age

- Unit size including the number of rooms and square footage of rooms
- The type of unit including construction type (e.g., single family, duplex, garden, low-rise, high-rise)
- The quality of the units including the quality of the original construction, maintenance and improvements made
- Amenities, services, and utilities included in the rent

Units that Must Not Be Used as Comparables

Comparable units must represent unrestricted market rents. Therefore, units that receive some form of federal, state, or local assistance that imposes rent restrictions cannot be considered comparable units. These include units assisted by HUD through any of the following programs: Section 8 project-based assistance, Section 236 and Section 221(d)(3) Below Market Interest Rate (BMIR) projects, HOME or Community Development Block Grant (CDBG) program-assisted units in which the rents are subsidized; units subsidized through federal, state, or local tax credits; units subsidized by the Department of Agriculture rural housing programs, and units that are rent-controlled by local ordinance [Notice PIH 2002-22, Notice PIH 2005-20, and Notice PIH 2020-19].

Note: Notice PIH 2020-19, issued August 21, 2020, provides further guidance on the issue of what constitutes an assisted unit.

Rents Charged for Other Units on the Premises

The Request for Tenancy Approval (HUD-52517) requires owners to provide information, on the form itself, about the rent charged for other unassisted comparable units on the premises if the premises include more than 4 units.

By accepting the GRHC payment each month the owner certifies that the rent is not more than the rent charged for comparable unassisted units on the premises. If asked to do so, the owner must give the GRHC information regarding rents charged for other units on the premises.

8-III.D. GRHC RENT REASONABLENESS METHODOLOGY

How Market Data Is Collected

The GRHC will primarily utilize a web based service to collect and maintain data on market rents in the GRHC's jurisdiction. The third-party will collect and maintain data on market rents in the GRHC 's jurisdiction. Information sources may include newspapers, realtors, market surveys, inquiries of owners and other available sources. The data will be maintained by bedroom size and market areas. Market areas may be defined by zip codes, census tract, neighborhood, and identifiable natural or man-made boundaries. The data will be updated on an ongoing basis and rent information that is more than 12 months old will be eliminated from the database.

How Rents Are Determined

The rent for a unit proposed for HCV assistance will be compared to the rent charged for comparable units in the same market area. The GRHC will develop a range of prices for comparable units by bedroom size within defined market areas. Units proposed for HCV assistance will be compared to the units within this rent range. Because units may be similar, but

not exactly like the unit proposed for HCV assistance, the PHA may make adjustments to the range of prices to account for these differences.

The adjustment must reflect the local market. Not all differences in units require adjustments (e.g., the presence or absence of a garbage disposal may not affect the rent in some market areas).

Adjustments may vary by unit type (e.g., a second bathroom may be more valuable in a three-bedroom unit than in a two-bedroom).

The adjustment must reflect the rental value of the difference—not its construction costs (e.g., it might cost \$20,000 to put on a new roof, but the new roof might not make any difference in what a tenant would be willing to pay because rental units are presumed to have functioning roofs).

When a comparable project offers rent concessions (e.g., first month rent-free, or reduced rent) reported monthly rents will be adjusted accordingly. For example, if a comparable project reports rents of \$500/month but new tenants receive the first month's rent free, the actual rent for the unit would be calculated as follows: $\$500 \times 11 \text{ months} = 5500 / 12 \text{ months} = \text{actual monthly rent of } \488 .

The GRHC will notify the owner of the rent the GRHC can approve based upon its analysis of rents for comparable units. The owner may submit information about other comparable units in the market area. The GRHC will confirm the accuracy of the information provided and consider this additional information when making rent determinations. The owner must submit any additional information within seven (7) calendar days of the GRHC's request for information or the owner's request to submit information.

EXHIBIT 8-1: OVERVIEW OF HUD HOUSING QUALITY STANDARDS

Note: This document provides an overview of HQS. For more detailed information see the following documents:

- 24 CFR 982.401, Housing Quality Standards (HQS)
- Housing Choice Voucher Guidebook, Chapter 10.
- HUD Housing Inspection Manual for Section 8 Housing
- HUD Inspection Form, form HUD-52580 (3/01) and Inspection Checklist, form HUD-52580-A (9/00)

Sanitary Facilities

The dwelling unit must include sanitary facilities within the unit. The sanitary facilities must be usable in privacy and must be in proper operating condition and adequate for personal cleanliness and disposal of human waste.

Food Preparation and Refuse Disposal

The dwelling unit must have space and equipment suitable for the family to store, prepare, and serve food in a sanitary manner.

Space and Security

The dwelling unit must provide adequate space and security for the family. This includes having at least one bedroom or living/sleeping room for each two persons.

Thermal Environment

The unit must have a safe system for heating the dwelling unit. Air conditioning is not required but if provided must be in proper operating condition. The dwelling unit must not contain unvented room heaters that burn gas, oil, or kerosene. Portable electric room heaters or kitchen stoves with built-in heating units are not acceptable as a primary source of heat for units located in climatic areas where permanent heat systems are required.

Illumination and Electricity

Each room must have adequate natural or artificial illumination to permit normal indoor activities and to support the health and safety of occupants. The dwelling unit must have sufficient electrical sources so occupants can use essential electrical appliances. Minimum standards are set for different types of rooms. Once the minimum standards are met, the number, type and location of electrical sources are a matter of tenant preference.

Structure and Materials

The dwelling unit must be structurally sound. Handrails are required when four or more steps (risers) are present, and protective railings are required when porches, balconies, and stoops are thirty inches or more off the ground. The elevator servicing the unit must be working [if there is one]. Manufactured homes must have proper tie-down devices capable of surviving wind loads common to the area.

Interior Air Quality

The dwelling unit must be free of air pollutant levels that threaten the occupants' health. There must be adequate air circulation in the dwelling unit. Bathroom areas must have one openable window or other adequate ventilation. Any sleeping room must have at least one window. If a window was designed to be opened, it must be in proper working order.

Water Supply

The dwelling unit must be served by an approved public or private water supply that is sanitary and free from contamination. Plumbing fixtures and pipes must be free of leaks and threats to health and safety.

Lead-Based Paint

Lead-based paint requirements apply to dwelling units built prior to 1978 that are occupied or can be occupied by families with children under six years of age, excluding zero bedroom dwellings. Owners must:

- Disclose known lead-based paint hazards to prospective tenants before the lease is signed,
- provide all prospective families with "Protect Your Family from Lead in Your Home",
- Stabilize deteriorated painted surfaces and conduct hazard reduction activities within 30 days when identified by the PHA
- Notify tenants each time such an activity is performed
- Conduct all work in accordance with HUD safe practices
- As part of ongoing maintenance ask each family to report deteriorated paint
- Maintain covered housing without deteriorated paint if there is child under six in the family

For units occupied by elevated blood lead level (lead poisoned) children under six years of age, an environmental investigation must be conducted (paid for by the PHA). If lead hazards are identified during the environmental investigation, the owner must complete hazard reduction activities within 30 days.

See HCV GB p. 10-15 for a detailed description of these requirements. For additional information on lead-based paint requirements see 24 CFR 35, Subparts A, B, M, and R.

Access

Use and maintenance of the unit must be possible without unauthorized use of other private properties. The building must provide an alternate means of exit in case of fire.

Site and Neighborhood

The site and neighborhood must be reasonably free from disturbing noises and reverberations, excessive trash or vermin, or other dangers to the health, safety, and general welfare of the occupants.

Sanitary Condition

The dwelling unit and its equipment must be in sanitary condition and free of vermin and rodent infestation. The unit must have adequate barriers to prevent infestation.

Smoke Detectors

Smoke detectors must be installed in accordance with and meet the requirements of the National Fire Protection Association Standard (NFPA) 74 (or its successor standards). If the dwelling unit is occupied by any person with a hearing impairment, smoke detectors must have an appropriate alarm system as specified in NFPA 74 (or successor standards).

Hazards and Heath/Safety

The unit, interior and exterior common areas accessible to the family, the site, and the surrounding neighborhood must be free of hazards to the family's health and safety.

EXHIBIT 8-2: SUMMARY OF TENANT PREFERENCE AREAS RELATED TO HOUSING QUALITY

Note: This document provides an overview of unit and site characteristics and conditions for which the family determines acceptability. For more detailed information see the following documents:

- Housing Choice Voucher Guidebook, Chapter 10.
- HUD Housing Inspection Manual for Section 8 Housing
- HUD Inspection Form, form HUD-52580 (3/01) and Inspection Checklist, form HUD-52580-A (9/00)

Provided the minimum housing quality standards have been met, HUD permits the family to determine whether the unit is acceptable with regard to the following characteristics.

- *Sanitary Facilities.* The family may determine the adequacy of the cosmetic condition and quality of the sanitary facilities, including the size of the lavatory, tub, or shower; the location of the sanitary facilities within the unit; and the adequacy of the water heater.
- *Food Preparation and Refuse Disposal.* The family selects size and type of equipment it finds acceptable. When the family is responsible for supplying cooking appliances, the family may choose to use a microwave oven in place of a conventional oven, stove, or range. When the owner is responsible for providing cooking appliances, the owner may offer a microwave oven in place of an oven, stove, or range only if other subsidized and unsubsidized units on the premises are furnished with microwave ovens only. The adequacy of the amount and type of storage space, the cosmetic conditions of all equipment, and the size and location of the kitchen are all determined by the family.
- *Space and Security.* The family may determine the adequacy of room sizes and room locations. The family is also responsible for deciding the acceptability of the type of door and window locks.
- *Energy conservation items.* The family may determine whether the amount of insulation, presence of absence of storm doors and windows and other energy conservation items are acceptable.
- *Illumination and Electricity.* The family may determine whether the location and the number of outlets and fixtures (over and above those required to meet HQS standards) are acceptable or if the amount of electrical service is adequate for the use of appliances, computers, or stereo equipment.

- (6) *Structure and Materials*. Families may determine whether minor defects, such as lack of paint, or worn flooring or carpeting will affect the livability of the unit.
- (7) *Indoor Air*. Families may determine whether window and door screens, filters, fans, or other devices for proper ventilation are adequate to meet the family's needs. However, if screens are present they must be in good condition.
- (8) *Sanitary Conditions*. The family determines whether the sanitary conditions in the unit, including minor infestations, are acceptable.
- (9) *Neighborhood conditions*. Families may determine whether neighborhood conditions such as the presence of drug activity, commercial enterprises, and convenience to shopping will affect the livability of the unit.

Families have no discretion with respect to lead-based paint standards and smoke detectors.

Chapter 9
GENERAL LEASING POLICIES

| | |
|--|----|
| OVERVIEW | 2 |
| PART I: GENERAL LEASE REQUIREMENTS | 3 |
| 9-I.A. TENANT SCREENING..... | 3 |
| 9-I.B. REQUESTING TENANCY APPROVAL | 3 |
| 9-I.C. OWNER PARTICIPATION | 4 |
| 9-I.D. ELIGIBLE UNITS | 4 |
| 9-I.E. LEASE AND TENANCY ADDENDUM..... | 6 |
| 9-I.F. TENANCY APPROVAL [24 CFR 982.305] | 8 |
| 9-I.G. HAP CONTRACT EXECUTION [24 CFR 982.305] | 9 |
| 9-I.H. CHANGES IN LEASE OR RENT [24 CFR 982.308] | 10 |

OVERVIEW

Chapter 9 covers the lease-up process from the family's submission of a Request for Tenancy Approval to execution of the HAP contract.

In order for the GRHC to assist a family in a particular dwelling unit, or execute a Housing Assistance Payments (HAP) contract with the owner of a dwelling unit, the GRHC will determine that all the following program requirements are met:

- Part I: General Lease Requirements: This part will review the following requirements:
 - The unit itself must qualify as an eligible unit [24 CFR 982.305(a)]
 - The unit must be inspected by the GRHC and meet the Housing Quality Standards (HQS) [24 CFR 982.305(a)]
 - The lease offered by the owner must be approvable and must include the required Tenancy Addendum [24 CFR 982.305(a)]
 - The rent to be charged by the owner for the unit must be reasonable [24 CFR 982.305(a)]
 - The owner must be an eligible owner, approvable by the GRHC, with no conflicts of interest [24 CFR 982.306]
 - For families initially leasing a unit only: Where the gross rent of the unit exceeds the applicable payment standard for the family, the share of rent to be paid by the family cannot exceed 40 percent of the family's monthly adjusted income [24 CFR 982.305(a)]

PART I: GENERAL LEASE REQUIREMENTS

9-I.A. TENANT SCREENING

The GRHC has no liability or responsibility to the owner or other persons for the family's behavior or suitability for tenancy [24 CFR 982.307(a)(1)].

The GRHC will not screen applicants for family behavior or suitability for tenancy. See Chapter 3 for a discussion of the GRHC's policies with regard to screening applicant families for program eligibility [24 CFR 982.307(a)(1)].

The owner is responsible for screening and selection of the family to occupy the owner's unit. At or before GRHC approval of the tenancy, the GRHC must inform the owner that screening and selection for tenancy is the responsibility of the owner [24 CFR 982.307(a)(2)]. The GRHC will also inform the owner or manager of his/her rights and obligations under the Violence against Women Act of 2013 (VAWA) [24 CFR 5.2005(a)(2)].

The GRHC will provide the owner with the family's current and prior address (as shown in the GRHC records) and the name and address (if known to the GRHC) of the landlord at the family's current and prior address [24 CFR 982.307(b)(1)].

The GRHC will not provide additional screening information to the owner.

The GRHC's policy on providing information to the owner must be included in the family's briefing packet [24 CFR 982.307(b)(3)].

The GRHC will not disclose to the owner any confidential information provided by the family in response to a GRHC request for documentation of domestic violence, dating violence, sexual assault, or stalking except at the written request or with the written consent of the individual providing the documentation [24 CFR 5.2007(b)(4)].

9-I.B. REQUESTING TENANCY APPROVAL [Form HUD-52517]

After the family is issued a voucher, the family must locate an eligible unit, with an owner or landlord willing to participate in the voucher program. Once a family finds a suitable unit and the owner is willing to lease the unit under the program, the owner and the family must request the GRHC to approve the assisted tenancy in the selected unit.

The owner and the family must submit two documents to the GRHC:

- Completed Request for Tenancy Approval (RTA) – Form HUD-52517
- Copy of the proposed lease, including the HUD-prescribed Tenancy Addendum – Form HUD-52641-A

The RTA contains important information about the rental unit selected by the family, including the unit address, number of bedrooms, structure type, year constructed, utilities included in the rent, and the requested beginning date of the lease, necessary for the GRHC to determine whether to approve the assisted tenancy in this unit.

Owners must certify to the most recent amount of rent charged for the unit and provide an explanation for any difference between the prior rent and the proposed rent.

Owners must certify that they are not the parent, child, grandparent, grandchild, sister or brother of any member of the family, unless the GRHC has granted a request for reasonable accommodation for a person with disabilities who is a member of the tenant household.

For units constructed prior to 1978, owners must either 1) certify that the unit, common areas, and exterior have been found to be free of lead-based paint by a certified inspector; or 2) attach a lead-based paint disclosure statement.

Both the RTA and the proposed lease must be submitted no later than the expiration date stated on the voucher. [HCV GB p.8-15]. The RTA must be signed by both the family and the owner. The owner may submit the RTA on behalf of the family. A completed RTA and supporting owner documents (including the proposed dwelling lease) must be submitted in-person, by mail, or by portal submission. The family may not submit, and the GRHC will not process, more than one (1) RTA at a time. When the family submits the RTA the GRHC will review the RTA for completeness.

- If the RTA is incomplete (including lack of signature by family, owner, or both), missing documents, or, if the dwelling lease is not submitted with the RTA, GRHC will notify the family and the owner of the deficiencies.
- Missing information and/or missing documents will only be accepted in-person, by mail, or by portal submission. The GRHC will not accept missing information over the phone.

When the family submits the RTA, supporting owner documents, and proposed lease, the GRHC will review the terms of the RTA for consistency with the terms of the proposed lease.

- If the terms of the RTA are not consistent with the terms of the proposed lease, the GRHC will notify the family and the owner of the discrepancies.
- Corrections to the terms of the RTA and/or the proposed lease will only be accepted in-person, by mail, or by portal submission. The GRHC will not accept corrections by phone.

Because of the time sensitive nature of the tenancy approval process, the GRHC will attempt to communicate with the owner and family by phone or email. The GRHC will use mail when the parties cannot be reached by phone or email.

9-I.C. OWNER PARTICIPATION

The GRHC does not formally approve an owner to participate in the HCV program. However, there are a number of criteria where the GRHC may deny approval of an assisted tenancy based on past owner behavior, conflict of interest, or other owner-related issues. There are also criteria for which the GRHC must disapprove of an owner. No owner has a right to participate in the HCV program [24 CFR 982.306(e)]. See Chapter 13 for a full discussion of owner qualification to participate in the HCV program.

9-I.D. ELIGIBLE UNITS

There are a number of criteria that a dwelling unit must meet in order to be eligible for assistance under the voucher program. Generally, a voucher-holder family may choose any available rental dwelling unit on the market in the GRHC's jurisdiction. This includes the dwelling unit they are currently occupying.

Ineligible Units [24 CFR 982.352(a)]

The GRHC will not assist a unit under the voucher program if the unit is a public housing or Indian housing unit; a unit receiving project-based assistance under section 8 of the 1937 Act (42 U.S.C. 1437f); nursing homes, board and care homes, group homes, or facilities providing continual psychiatric, medical, or nursing services; college or other school dormitories; units on the grounds of penal, reformatory, medical, mental, and similar public or private institutions; a unit occupied by its owner or by a person with any interest in the unit, unless a reasonable accommodation is required.

GRHC-Owned Units [24 CFR 982.352(b)]

Otherwise, eligible units that are owned or substantially controlled by the GRHC can also be leased in the voucher program. In order for a GRHC-owned unit to be leased under the voucher program, the unit must not be ineligible housing and the GRHC must inform the family, both orally and in writing, that the family has the right to select any eligible unit available for lease and that the family is free to select a GRHC-owned unit without any pressure or steering by the GRHC.

Special Housing Types [24 CFR 982 Subpart M]

These special housing types include single room occupancy (SRO) housing, congregate housing, group home, shared housing, manufactured home space (where the family owns the manufactured home and leases only the space), cooperative housing and homeownership option. See Chapter 15 for specific information and policies on any of these housing types that the GRHC has chosen to allow.

The GRHC will permit use of any special housing type if needed as reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities.

Duplicative Assistance [24 CFR 982.352(c)]

A family may not receive the benefit of HCV tenant-based assistance while receiving the benefit of any of the following forms of other housing subsidy, for the same unit or for a different unit:

- Public or Indian housing assistance;
- Other Section 8 assistance (including other tenant-based assistance);
- Assistance under former Section 23 of the United States Housing Act of 1937 (before amendment by the Housing and Community Development Act of 1974);
- Section 101 rent supplements;
- Section 236 rental assistance payments;
- Tenant-based assistance under the HOME Program;
- Rental assistance payments under Section 521 of the Housing Act of 1949 (a program of the Rural Development Administration);
- Any local or State rent subsidy;
- Section 202 supportive housing for the elderly;
- Section 811 supportive housing for persons with disabilities; (11) Section 202 projects for non-elderly persons with disabilities (Section 162 assistance); or

- Any other duplicative federal, State, or local housing subsidy, as determined by HUD. For this purpose, 'housing subsidy' does not include the housing component of a welfare payment, a social security payment received by the family, or a rent reduction because of a tax credit.

Housing Quality Standards (HQS) [24 CFR 982.305 and 24 CFR 982.401]

In order to be eligible, the dwelling unit must be in decent, safe and sanitary condition. This determination is made using HUD's Housing Quality Standards (HQS) and/or equivalent state or local standards approved by HUD. See Chapter 8 for a full discussion of the HQS standards, as well as the process for HQS inspection at initial lease-up.

Unit Size

In order to be eligible, the dwelling unit must be appropriate for the number of persons in the household. A family must be allowed to lease an otherwise acceptable dwelling unit with fewer bedrooms than the number of bedrooms stated on the voucher issued to the family, provided the unit meets the applicable HQS space requirements [24 CFR 982.402(d)]. The family must be allowed to lease an otherwise acceptable dwelling unit with more bedrooms than the number of bedrooms stated on the voucher issued to the family, only if the rent burden is not greater than 40% of the adjusted gross income of the family. See Chapter 5 for a full discussion of subsidy standards.

Rent Reasonableness [24 CFR 982.305 and 24 CFR 982.507]

In order to be eligible, the dwelling unit must have a reasonable rent. The rent must be reasonable in relation to comparable unassisted units in the area and must not be in excess of rents charged by the owner for comparable, unassisted units on the premises. See Chapter 8 for a full discussion of rent reasonableness and the rent reasonableness determination process.

Rent Burden [24 CFR 982.508]

Where a family is initially leasing a unit and the gross rent of the unit exceeds the applicable payment standard for the family, the family share cannot exceed 40 percent of the family's adjusted monthly income. The term "family share" refers to the amount the family pays toward rent and utilities. The gross rent for the unit minus the total housing assistance payment (HAP) for the unit equals the family share. See Chapter 6 for a discussion of calculation of gross rent, the use of payment standards, and calculation of family income, family share of rent and HAP.

9-I.E. LEASE AND TENANCY ADDENDUM

The family and the owner must execute a written dwelling lease agreement for the assisted unit. This written lease is a contract between the tenant family and the owner; the PHA is not a party to this contract.

The tenant must have legal capacity to enter a lease under State and local law. 'Legal capacity' means that the tenant is bound by the terms of the lease and may enforce the terms of the lease against the owner [24 CFR 982.308(a)]

Lease Form and Tenancy Addendum [24 CFR 982.308]

If the owner uses a standard lease form for rental to unassisted tenants in the locality or the premises, the lease must be in such standard form. If the owner does not use a standard lease

form for rental to unassisted tenants, the owner may use another form of lease. The HAP contract prescribed by HUD contains the owner's certification that if the owner uses a standard lease form for rental to unassisted tenants, the lease for the assisted tenants is in such standard form.

All provisions in the HUD-required Tenancy Addendum must be added word-for-word to the owner's standard lease form. The Tenancy Addendum includes the HUD requirements for the tenancy. Because it is a part of the lease, the tenant shall have the right to enforce the Tenancy Addendum against the owner. If there is a conflict between the owner's lease and the Tenancy Addendum, the terms of the Tenancy Addendum shall prevail over any other provisions of the lease.

Lease Information [24 CFR 982.308(d)]

The assisted dwelling lease must contain all of the required information as listed below:

- The names of the owner and the tenant:
- The unit rented (address, apartment number, and any other information needed to identify the contract unit)
- The term of the lease (initial term and any provisions for renewal)
- The amount of the monthly rent to owner
- A specification of what utilities and appliances are to be supplied by the owner, and what utilities and appliances are to be supplied by the family

Term of Assisted Tenancy

The initial term of the assisted dwelling lease must be for at least one year [24 CFR 982.309]. The initial lease term is also stated in the HAP contract. The GRHC will not approve an initial lease term of less than one (1) year unless a shorter lease term is approved under a specific voucher type.

During the initial term of the lease, the owner may not raise the rent to owner [24 CFR 982.309].

Any provisions for renewal of the dwelling lease will be stated in the dwelling lease [HCV Guidebook, pg. 8-22]. There are no HUD requirements regarding any renewal extension terms, except that they must be stated in the dwelling lease if they exist.

The GRHC may execute the HAP contract even if there is less than one year remaining from the beginning of the initial lease term to the end of the last expiring funding increment under the consolidated ACC. [24 CFR 982.309(b)].

Security Deposit [24 CFR 982.313 (a) and (b)]

The GRHC will allow the owner to collect any security deposit amount the owner determines is appropriate. Therefore, no modifications to the HAP contract will be necessary.

Separate Non-Lease Agreements between Owner and Tenant

Owners may not demand or accept any rent payment from the family in excess of the rent to the owner as approved by the GRHC minus the GRHC's housing assistance payments to the owner [24 CFR 982.451(b)(4)].

The owner may not charge the tenant extra amounts for items customarily included in rent in the locality, or provided at no additional cost to unsubsidized tenants in the premises [24 CFR 982.510(c)].

The GRHC permits owners and families to execute separate, non-lease agreements for services, appliances (other than range and refrigerator) and other items that are not included in the lease.

Any items, appliances, or other services that are customarily provided to unassisted families as part of the dwelling lease with those families, or are permanently installed in the dwelling unit must be included in the dwelling lease for the assisted family. These items, appliances or services cannot be placed under a separate non-lease agreement between the owner and family. Side payments for additional rent, or for items, appliances or services customarily provided to unassisted families as part of the dwelling lease for those families, are prohibited.

Any items, appliances, or other services that are not customarily provided to unassisted families as part of the dwelling lease with those families, are not permanently installed in the dwelling unit and where the family has the sole option of not utilizing the item, appliance or service, may be included in a separate non-lease agreement between the owner and the family.

The family is not liable and cannot be held responsible under the terms of the assisted dwelling lease for any charges pursuant to a separate non-lease agreement between the owner and the family. Non-payment of any charges pursuant to a separate non-lease agreement between the owner and the family cannot be a cause for eviction or termination of tenancy under the terms of the assisted dwelling lease.

Separate non-lease agreements that involve additional items, appliances or other services may be considered amenities offered by the owner and may be taken into consideration when determining the reasonableness of the rent for the property.

GRHC Review of Lease

The GRHC will review the dwelling lease for compliance with all applicable requirements.

If the dwelling lease is incomplete or incorrect, the GRHC will notify the family and the owner of the deficiencies. Missing and corrected lease information will only be accepted in-person, by mail, or by portal submission. The GRHC will not accept missing and corrected information over the phone.

Because the initial leasing process is time-sensitive, the GRHC will attempt to communicate with the owner and family by phone or email. The GRHC will use mail when the parties can't be reached by phone or by portal submission.

The GRHC will not review the owner's lease for compliance with state/local law.

9-I.F. TENANCY APPROVAL [24 CFR 982.305]

After receiving the family's Request for Tenancy Approval, with proposed dwelling lease, the GRHC will promptly notify the family and owner within 15 calendar days of receipt, whether the assisted tenancy is approved.

Prior to approving the assisted tenancy and execution of a HAP contract, the GRHC will ensure that all required actions and determinations discussed in Part I of this chapter have been completed.

These actions include ensuring that the unit is eligible; the unit has been inspected by the GRHC and meets the Housing Quality Standards (HQS); the lease offered by the owner is approvable and includes the required Tenancy Addendum; the rent to be charged by the owner for the unit must be reasonable; where the family is initially leasing a unit and the gross rent of the unit exceeds the applicable payment standard for the family, the share of rent to be paid by the family does not exceed 40 percent of the family's monthly adjusted income [24 CFR 982.305(a)]; the owner is an eligible owner, not disapproved by the GRHC, with no conflicts of interest [24 CFR 982.306]; the family and the owner have executed the lease, including the Tenancy Addendum, and the lead-based paint disclosure information [24 CFR 982.305(b)].

The GRHC will complete its determination within 15 calendar days of receiving all required information.

If the terms of the RTA/proposed lease are changed for any reason, including but not limited to negotiation with the GRHC, the GRHC will obtain corrected copies of the RTA and proposed lease, signed by the family and the owner.

- Corrections to the RTA/proposed lease will only be accepted in-person, by mail, or by portal submission. The GRHC will not accept corrections over the phone.

If the GRHC determines that the tenancy cannot be approved for any reason, the owner and the family will be notified in writing and given the opportunity to address any reasons for disapproval. The GRHC will instruct the owner and family of the steps that are necessary to obtain approval of the tenancy.

- Where the tenancy is not approvable because the unit is not approvable, the family must continue to search for eligible housing within the timeframe of the issued voucher.
- If the tenancy is not approvable due to rent affordability or rent reasonableness, the GRHC will attempt to negotiate the rent with the owner. If a new, approvable rent is negotiated, the tenancy will be approved. If the owner is not willing to negotiate an approvable rent, the family must continue to search for eligible housing within the timeframe of the issued voucher.

9-I.G. HAP CONTRACT EXECUTION [24 CFR 982.305]

The HAP contract is a written agreement between the GRHC and the owner of the dwelling unit. Under the HAP contract, the GRHC agrees to make housing assistance payments to the owner on behalf of the family, and the owner agrees to comply with all program requirements as stated in the HAP contract.

The HAP contract form is prescribed by HUD.

If the GRHC has given approval for the family of the assisted tenancy, the owner and the GRHC must execute the HAP contract.

The term of the HAP contract must be the same as the term of the lease [24 CFR 982.451(a)(2)].

The GRHC is permitted to execute a HAP contract even if the funding currently available does not extend for the full term of the HAP contract.

The GRHC will make a best effort to ensure that the HAP contract is executed before the beginning of the lease term. Regardless, the HAP contract must be executed no later than 60 calendar days from the beginning of the lease term.

The GRHC will not pay any housing assistance payment to the owner until the HAP contract has been executed. If the HAP contract is executed during the period of 60 calendar days from the beginning of the lease term, the GRHC will pay housing assistance payments after execution of the HAP contract (in accordance with the terms of the HAP contract), to cover the portion of the lease term before execution of the HAP contract (a maximum of 60 days).

Any HAP contract executed after the 60-day period is void, and the GRHC will not pay any housing assistance payment to the owner.

Owners who have not previously participated in the HCV program must attend a meeting with the GRHC in which the terms of the Tenancy Addendum and the HAP contract will be explained. The GRHC may waive this requirement on a case-by-case basis, if it determines that the owner is sufficiently familiar with the requirements and responsibilities under the HCV program.

The owner and the assisted family will execute the dwelling lease and the owner must provide a copy to the GRHC. The GRHC will ensure that both the owner and the assisted family receive copies of the dwelling lease.

The owner and the GRHC will execute the HAP contract. The GRHC will not execute the HAP contract until the owner has submitted IRS form W-9. The GRHC will ensure that the owner receives a copy of the executed HAP contract.

As required under VAWA 2013, once the HAP contract and lease have been executed and the family has been admitted to the program, the GRHC will notify families of their rights under VAWA by providing all families with a copy of the domestic violence certification form (HUD-5382) as well as the VAWA notice of occupancy rights (form HUD-5380).

See Chapter 13 for a discussion of the HAP contract and contract provisions.

9-I.H. CHANGES IN LEASE OR RENT [24 CFR 982.308]

If the tenant and the owner agree to any changes in the lease, such changes must be in writing, and the owner must immediately give the GRHC a copy of such changes. The lease, including any changes, must remain in accordance with the requirements of this chapter.

Generally, GRHC approval of tenancy and execution of a new HAP contract are not required for changes in the lease. However, under certain circumstances, the execution of a new lease and HAP contract are required. These circumstances include:

- Changes in lease requirements governing tenant or owner responsibilities for utilities or appliances
- Changes in lease provisions governing the term of the lease
- The family moves to a new unit, even if the unit is in the same building or complex

In these cases, if the HCV assistance is to continue, the family must submit a new Request for Tenancy Approval (RTA) along with a new dwelling lease containing the proposed changes. A new tenancy must then be approved in accordance with this chapter.

Where the owner is changing the amount of the rent to the unit, the GRHC will limit the increase to only occur on the reexamination anniversary of the family (once per year). The GRHC will notify the owner 120 calendar days prior the effective date. The owner must notify the GRHC at least 60 days before any such changes go into effect [24 CFR 982.308(g)(4)]. The GRHC will agree to such an increase only if the amount of the rent to owner is considered reasonable according to the rent reasonableness standards discussed in Chapter 8. If the requested rent is not found to be reasonable, the owner must either reduce the requested rent increase, or terminate the tenancy in accordance with the terms of the lease. No rent increase is permitted during the initial term of the lease [24 CFR 982.309(a)(3)].

Where the owner is requesting a rent increase, the GRHC will determine whether the requested increase is reasonable within 15 calendar days of receiving the request from the owner. The owner will be notified of the determination in writing. The rent increase will become effective on the reexamination anniversary date.

Chapter 10

MOVING WITH CONTINUED ASSISTANCE AND PORTABILITY

| | |
|--|----|
| INTRODUCTION | 2 |
| PART I: MOVING WITH CONTINUED ASSISTANCE | 3 |
| 10-I.A. ALLOWABLE MOVES | 3 |
| 10-I.B. RESTRICTIONS ON MOVES | 4 |
| 10-I.C. MOVING PROCESS | 5 |
| PART II: PORTABILITY | 7 |
| 10-II.A. OVERVIEW | 7 |
| 10-II.B. INITIAL PHA ROLE..... | 7 |
| 10-II.C. RECEIVING PHA ROLE | 12 |

INTRODUCTION

Freedom of housing choice is a hallmark of the housing choice voucher (HCV) program. In general, HUD regulations impose few restrictions on where families may live or move with HCV assistance. This chapter sets forth HUD regulations and PHA policies governing moves within or outside the PHA's jurisdiction in two parts:

Part I: Moving with Continued Assistance. This part covers the general rules that apply to all moves by a family assisted under the PHA's HCV program, whether the family moves to another unit within the PHA's jurisdiction or to a unit outside the PHA's jurisdiction under portability.

Part II: Portability. This part covers the special rules that apply to moves by a family under portability, whether the family moves out of or into the PHA's jurisdiction. This part also covers the special responsibilities that the PHA has under portability regulations and procedures.

PART I: MOVING WITH CONTINUED ASSISTANCE

10-I.A. ALLOWABLE MOVES

HUD lists six regulatory conditions under which an assisted family is allowed to move to a new unit with continued assistance. Permission to move is subject to the restrictions set forth in section 10-I.B.

- The family has a right to terminate the lease on notice to the owner (for the owner's breach or otherwise) and has given a notice of termination to the owner in accordance with the lease [24 CFR 982.354(b)(3)]. If the family terminates the lease on notice to the owner, the family must give the GRHC a copy of the notice at the same time [24 CFR 982.354(d)(1)].
- The lease for the family's unit has been terminated by mutual agreement of the owner and the family [24 CFR 982.354(b)(1)(ii)].
- The owner has given the family a notice to vacate, has commenced an action to evict the family, or has obtained a court judgment or other process allowing the owner to evict the family [24 CFR 982.354(b)(2)]. The family must give the GRHC a copy of any owner eviction notice [24 CFR 982.551(g)].
- The family or a member of the family is or has been the victim of domestic violence, dating violence, sexual assault, or stalking and the move is needed to protect the health or safety of the family or family member [24 CFR 982.354(b)(4)]. This condition applies even when the family has moved out of its unit in violation of the lease, with or without prior notification to the GRHC, if the family or family member who is the victim reasonably believed that he or she was imminently threatened by harm from further violence if he or she remained in the unit [24 CFR 982.354(b)(4), 24 CFR 982.353(b)]. The GRHC will adopt an emergency transfer plan as required by regulations at 24 CFR 5.2007(e).

If a family requests permission to move with continued assistance or for an external transfer to another covered housing program operated by the GRHC based on a claim that the move is necessary to protect the health or safety of a family member who is or has been the victim of domestic violence, dating violence, sexual assault, or stalking, the GRHC will request that the resident request the emergency transfer using form HUD-5383, and the GRHC will request documentation in accordance with section 16-IX.D of this plan.

The GRHC reserves the right to waive the documentation requirement if it determines that a statement or other corroborating evidence from the family or family member will suffice. In such cases the GRHC will document the waiver in the family's file. The GRHC may choose to provide a voucher to facilitate an emergency transfer of the victim without first terminating the assistance of the perpetrator. Before granting an emergency transfer, the GRHC will ensure the victim is eligible to receive continued assistance based on the citizenship or immigration status of the victim. The GRHC has adopted an emergency transfer plan, which is included as Exhibit 16-3 to this plan and discusses external transfers to other covered housing programs.

- The GRHC has terminated the HAP contract for the family's unit for the owner's breach [24 CFR 982.354(b)(1)(i)].

- The GRHC determines that the family's current unit does not meet the HQS space standards because of an increase in family size or a change in family composition. In such cases, the GRHC will issue the family a new voucher, and the family and GRHC will try to find an acceptable unit as soon as possible. If an acceptable unit is available for the family, the GRHC will terminate the HAP contract for the family's old unit in accordance with the HAP contract terms and must notify both the family and the owner of the termination. The HAP contract terminates at the end of the calendar month that follows the calendar month in which the GRHC gives notice to the owner. [24 CFR 982.403(a) and (c)]

10-I.B. RESTRICTIONS ON MOVES

Denial of Moves

HUD regulations permit the GRHC to deny a family permission to move under the following conditions:

Insufficient Funding

The GRHC will deny a family permission to move on grounds that the GRHC does not have sufficient funding for continued assistance if (a) the move is initiated by the family, not the owner or the GRHC; (b) the GRHC can demonstrate that the move will, in fact, result in higher subsidy costs (c) the GRHC can demonstrate, in accordance with the policies in Part VIII of Chapter 16, that it does not have sufficient funding in its annual budget to accommodate the higher subsidy costs; and (d) for portability moves, the receiving PHA is not absorbing the voucher.

If the GRHC does not have sufficient funding for continued assistance, but the family must move from their unit (e.g., the unit failed HQS), the family may move to a higher cost unit if the move is within the GRHC's jurisdiction. The GRHC, however, will not allow the family to move under portability in this situation if the family wishes to move to a higher cost area.

For both moves within the GRHC's jurisdiction and outside under portability, the GRHC will not deny a move due to insufficient funding if the GRHC previously approved the move and subsequently experienced a funding shortfall if the family cannot remain in their current unit. The GRHC will rescind the voucher in this situation if the family will be allowed to remain in their current unit.

The GRHC will create a list of families whose moves have been denied due to insufficient funding. The GRHC will keep the family's request open indefinitely, and when funds become available, the families on this list will take precedence over families on the waiting list. The GRHC will use the same procedures for notifying families with open requests to move when funds become available as it uses for notifying families on the waiting list (see section 4-III.D).

The GRHC will inform the family of its policy regarding moves denied due to insufficient funding in a letter to the family at the time the move is denied.

Grounds for Denial or Termination of Assistance

If the GRHC has grounds for denying or terminating a family's assistance, the GRHC will act on those grounds in accordance with the regulations and policies set forth in Chapters 3 and 12, respectively. In general, the GRHC will not deny a family permission to move due to grounds for termination or denial; however, it retains the discretion to do so under special circumstances.

Restrictions on Elective Moves [24 CFR 982.354(c)]

The GRHC will deny a family permission to make an elective move during the family's initial lease term. This policy applies to moves within the GRHC's jurisdiction or outside it under portability.

The GRHC will also deny a family permission to make more than one elective move during any 12-month period. This policy applies to all assisted families residing in the GRHC's jurisdiction.

The GRHC will consider exceptions to these policies for the following reasons: to protect the health or safety of a family member (e.g., lead-based paint hazards, domestic violence, witness protection programs), to accommodate a change in family circumstances (e.g., new employment, school attendance in a distant area), or to address an emergency situation over which a family has no control.

In addition, the GRHC will allow exceptions to these policies for purposes of reasonable accommodation of a family member who is a person with disabilities (see Chapter 2).

10-I.C. MOVING PROCESS

Notification

If a family wishes to move to a new unit, the family must notify the GRHC and the owner before moving out of the old unit or terminating the lease on notice to the owner [24 CFR 982.354(d)(2)]. If the family wishes to move to a unit outside the GRHC's jurisdiction under portability, the notice to the GRHC must specify the area where the family wishes to move [24 CFR 982.354(d)(2)]. The notices must be in writing [24 CFR 982.5].

Approval

Upon receipt of a family's notification that it wishes to move, the GRHC will determine whether the move is approvable in accordance with the regulations and policies set forth in sections 10-I.A and 10-I.B. The GRHC will notify the family in writing of its determination within 15 calendar days following receipt of the family's notification.

Reexamination of Family Income and Composition

For families approved to move to a new unit within the GRHC's jurisdiction, the GRHC will perform a new annual reexamination in accordance with the policies set forth in Chapter 11 of this plan.

For families moving into or families approved to move out of the GRHC's jurisdiction under portability, the GRHC will follow the policies set forth in Part II of this chapter.

Voucher Issuance and Briefing

For families approved to move to a new unit within the GRHC's jurisdiction, the GRHC will issue a new voucher within 15 calendar days of the GRHC's written approval to move. No briefing is required for these families. The GRHC will follow the policies set forth in Chapter 5 on voucher term, extension, and expiration. If a family does not locate a new unit within the term of the voucher and any extensions, the family may remain in its current unit with continued voucher assistance if the owner agrees and the GRHC approves. Otherwise, the family will lose its assistance.

Housing Assistance Payments [24 CFR 982.311(d)]

When a family moves out of an assisted unit, the GRHC will not make any housing assistance payment to the owner for any month **after** the month the family moves out. The owner may keep the housing assistance payment for the month when the family moves out of the unit.

If a participant family moves from an assisted unit with continued tenant-based assistance, the term of the assisted lease for the new assisted unit may begin during the month the family moves out of the first assisted unit. Overlap of the last housing assistance payment (for the month when the family moves out of the old unit) and the first assistance payment for the new unit, is not considered to constitute a duplicative housing subsidy.

Zero HAP Families Who Wish to Move [24 CFR 982.455]

A participant who is not receiving any subsidy, but whose HAP contract is still in force, may request a voucher to move to a different unit. The GRHC will issue a voucher to move unless it has grounds to deny assistance under the program regulations. However, if the GRHC determines no subsidy would be paid at the new unit, the GRHC will not enter into a HAP contract on behalf of the family.

PART II: PORTABILITY

10-II.A. OVERVIEW

Within the limitations of the regulations and this plan, a participant family or an applicant family that has been issued a voucher has the right to use tenant-based voucher assistance to lease a unit anywhere in the United States providing that the unit is located within the jurisdiction of a PHA administering a tenant-based voucher program [24 CFR 982.353(b)]. The process by which a family obtains a voucher from one PHA and uses it to lease a unit in the jurisdiction of another PHA is known as portability. The PHA that issues the voucher is called the **initial PHA**. The PHA that has jurisdiction in the area to which the family wants to move is called the **receiving PHA**.

The receiving PHA has the option of administering the family's voucher for the initial PHA or absorbing the family into its own program. Under the first option, the receiving PHA provides all housing services for the family and bills the initial PHA for the family's housing assistance payments and the fees for administering the family's voucher. Under the second option, the receiving PHA pays for the family's assistance with its own program funds, and the initial PHA has no further relationship with the family. The initial PHA must contact the receiving PHA via email or other confirmed delivery method to determine whether the receiving PHA will administer or absorb the initial PHA voucher. Based on the receiving PHA's response, the initial PHA must determine whether they will approve or deny the portability request [Notice PIH 2016-09].

PHAs commonly act as both the initial and receiving PHA because families may move into or out of their jurisdiction under portability. Each role involves different responsibilities. The PHA will follow the rules and policies in section 10-II.B when it is acting as the initial PHA for a family. It will follow the rules and policies in section 10-II.C when it is acting as the receiving PHA for a family.

In administering portability, the initial PHA and the receiving PHA must comply with financial procedures required by HUD, including the use of HUD-required forms [24 CFR 982.355(e)(5)].

The PHA will comply with billing and payment deadlines. HUD may reduce an administrative fee to an initial or receiving PHA if the PHA does not comply with HUD portability requirements [24 CFR 982.355(e)(7)].

10-II.B. INITIAL PHA ROLE

Allowable Moves under Portability

A family may move with voucher assistance only to an area where there is at least one PHA administering a voucher program [24 CFR 982.353(b)]. If there is more than one PHA in the area, the initial PHA provides the family with the contact information for the receiving PHAs that serve the area, and the family selects the receiving PHA. The family must inform the initial PHA which PHA it has selected. If the family prefers not to select the receiving PHA, the initial PHA will select the receiving PHA on behalf of the family [24 CFR 982.255(b)].

Applicant families that have been issued vouchers as well as participant families may qualify to lease a unit outside the PHA's jurisdiction under portability. HUD regulations and PHA policy determine whether a family qualifies.

Applicant Families

Under HUD regulations, most applicant families qualify to lease a unit outside the PHA's jurisdiction under portability. However, HUD gives the PHA discretion to deny a portability move by an applicant family for the same two reasons that it may deny any move by a participant family: insufficient funding and grounds for denial or termination of assistance. If the PHA intends to deny a family permission to move under portability due to insufficient funding, the PHA will notify HUD within 10 business days of the determination to deny the move [24 CFR 982.355(e)].

In addition, If neither the head of household nor the spouse/cohead of an applicant family had a domicile (legal residence) in the PHA's jurisdiction at the time that the family's initial application for assistance was submitted, the family must lease a unit within the initial PHA's jurisdiction for at least 12 months before requesting portability.

The PHA will consider exceptions to this policy for purposes of reasonable accommodation (see Chapter 2) or reasons related to domestic violence, dating violence, sexual assault, or stalking.

Participant Families

The PHA will not provide portable assistance for a participant if a family has moved out of its assisted unit in violation of the lease [24 CFR 982.353(b)]. The Violence against Women Act of 2013 (VAWA) creates an exception to this prohibition for families who are otherwise in compliance with program obligations but have moved to protect the health or safety of a family member who is or has been a victim of domestic violence, dating violence, sexual assault, or stalking and who reasonably believed he or she was imminently threatened by harm from further violence if he or she remained in the unit [24 CFR 982.353(b)].

The PHA will determine whether a participant family may move out of the PHA's jurisdiction with continued assistance in accordance with the regulations and policies set forth here and in sections 10-I.A and 10-I.B of this chapter. The PHA will notify the family of its determination in accordance with the approval policy set forth in section 10-I.C of this chapter.

Determining Income Eligibility

Applicant Families

An applicant family may lease a unit in a particular area under portability only if the family is income eligible for admission to the voucher program in that area [24 CFR 982.353(d)(1)]. The family must specify the area to which the family wishes to move [24 CFR 982.355(c)(1)].

The initial PHA is responsible for determining whether the family is income eligible in the area to which the family wishes to move [24 CFR 982.353(d)(1), 24 CFR 982.355(9)]. If the applicant family is not income eligible in that area, the PHA will inform the family that it may not move there and receive voucher assistance [Notice PIH 2016-09].

Participant Families

The income eligibility of a participant family is not redetermined if the family moves to a new jurisdiction under portability [24 CFR 982.353(d)(2)].

Reexamination of Family Income and Composition

For a participant family approved to move out of its jurisdiction under portability, the PHA generally will conduct a reexamination of family income and composition only if the family's annual reexamination must be completed on or before the initial billing deadline specified on form HUD-52665, Family Portability Information.

The PHA will make any exceptions to this policy necessary to remain in compliance with HUD regulations.

Briefing

The regulations and policies on briefings set forth in Chapter 5 of this plan require the PHA to provide information on portability to all applicant families that qualify to lease a unit outside the PHA's jurisdiction under the portability procedures. Therefore, no special briefing is required for these families.

However, the PHA will provide the family with the same oral and written explanation of portability that it provides to applicant families selected for admission to the program (see Chapter 5).

The PHA will not provide the name, address, and phone of the contact for the PHAs in the jurisdiction to which they wish to move. If there is more than one PHA with jurisdiction over the area to which the family wishes to move, the PHA will advise the family that the family selects the receiving PHA and notify the PHA of which receiving PHA was selected. The PHA will not provide the family with contact information for all of the receiving PHAs that serve the area. The PHA will not provide any additional information about receiving PHAs in the area. The PHA will further inform the family that if the family prefers not to select the receiving PHA, the PHA will select the receiving PHA on behalf of the family. In this case, the PHA will not provide the family with information for all receiving PHAs in the area.

The PHA will advise the family that they will be under the PHA's policies and procedures, including screening, subsidy standards, voucher extension policies, and payment standards.

Voucher Issuance and Term

An applicant family has no right to portability until after the family has been issued a voucher [24 CFR 982.353(b)]. In issuing vouchers to applicant families, the GRHC will follow the regulations and procedures set forth in Chapter 5.

For participating families approved to move under portability, the GRHC will issue a new voucher within 15 calendar days of the GRHC's written approval to move.

The initial term of the voucher will be 60 calendar days (60 instead of 120 due to the initial PHA will need to provide approval for extension).

Voucher Extensions and Expiration

The GRHC will approve **no** extensions to a voucher issued to an applicant or participant family porting out of the GRHC's jurisdiction except under the following circumstances: (a) the initial term of the voucher will expire before the portable family will be issued a voucher by the receiving PHA, (b) the family decides to return to the GRHC's jurisdiction and search for a unit there, or (c) the family decides to search for a unit in a third PHA's jurisdiction. In such cases, the policies on voucher extensions set forth in Chapter 5, section 5-II.E, of this plan will apply,

including the requirement that the family apply for an extension in writing prior to the expiration of the initial voucher term.

To receive or continue receiving assistance under the initial PHA's voucher program, a family that moves to another PHA's jurisdiction under portability must be under HAP contract in the receiving PHA's jurisdiction within 90 calendar days following the expiration date of the initial PHA's voucher term (including any extensions). (See below under "Initial Billing Deadline" for one exception to this policy.)

Preapproval Contact with the Receiving PHA

Prior to approving a family's request to move under portability, the PHA will contact the receiving PHA via email or other confirmed delivery method to determine whether the receiving PHA will administer or absorb the family's voucher. Based on the receiving PHA's response, the PHA will determine whether it will approve or deny the move [24 CFR 982.355(c)(3)].

Initial Notification to the Receiving PHA

After approving a family's request to move under portability, the PHA will promptly notify the receiving PHA via email or other confirmed delivery method to expect the family [24 CFR 982.355(c)(3); 24 CFR 982.355(c)(7)]. The PHA will also advise the family how to contact and request assistance from the receiving PHA [24 CFR 982.355(c)(6)].

The PHA will also ask the receiving PHA to provide any information the family may need upon arrival, including the name, fax, email address, and telephone number of the staff person responsible for business with incoming portable families and procedures related to appointments for voucher issuance. The PHA will pass this information along to the family. The PHA will also ask for the name, address, telephone number and email of the person responsible for processing the billing information.

Sending Documentation to the Receiving PHA

The GRHC will send to the receiving PHA the following documents:

- Form HUD-52665, Family Portability Information, with Part I filled out [Notice PIH 2016-09]
- A copy of the family's voucher [Notice PIH 2016-09]
- A copy of the family's most recent form HUD-50058, Family Report, or, if necessary in the case of an applicant family, family and income information in a format similar to that of form HUD-50058 [24 CFR 982.355(c)(7), Notice PIH 2016-09]
- Copies of the income verifications backing up the form HUD-50058, including a copy of the family's current EIV data [24 CFR 982.355(c)(7), Notice PIH 2016-09]

In addition to these documents, the GRHC will provide the following information, if available, to the receiving PHA:

- Social security numbers (SSNs)
- Documentation of SSNs for all nonexempt household members whose SSNs have not been verified through the EIV system
- Documentation of legal identity

- Documentation of citizenship or eligible immigration status
- Documentation of participation in the earned income disallowance (EID) benefit
- Documentation of participation in a family self-sufficiency (FSS) program

The GRHC will notify the family in writing regarding any information provided to the receiving PHA [HCV GB, p. 13-3].

Initial Billing Deadline [Notice PIH 2016-09]

The deadline for submission of initial billing is 90 days following the expiration date of the voucher issued to the family by the initial PHA. In cases where suspension of the voucher delays the initial billing submission, the receiving PHA must notify the initial PHA of delayed billing before the billing deadline and document the delay is due to the suspension. In this case, the initial PHA must extend the billing deadline by 30 days.

If the initial PHA does not receive a billing notice by the deadline and does not intend to honor a late billing submission, it must notify the receiving PHA in writing. The initial PHA may report to HUD the receiving PHA's failure to comply with the deadline.

If the initial PHA will honor the late billing, no action is required.

If PHA has not received an initial billing notice from the receiving PHA within the billing deadline, it will contact the receiving PHA to inform them that it will not honor a late billing submission and will return any subsequent billings that it receives on behalf of the family. The GRHC will send the receiving PHA a written confirmation of its decision by mail.

The GRHC will allow an exception to this policy if the family includes a person with disabilities and the late billing is a result of a reasonable accommodation granted to the family by the receiving PHA.

Monthly Billing Payments [24 CFR 982.355(e), Notice PIH 2016-09]

If the receiving PHA is administering the family's voucher, the receiving PHA bills the initial PHA for housing assistance payments and administrative fees. When reimbursing for administrative fees, the initial PHA must promptly reimburse the receiving PHA for the lesser of 80 percent of the initial PHA ongoing administrative fee or 100 percent of the receiving PHA's ongoing administrative fee for each program unit under contract on the first day of the month for which the receiving PHA is billing the initial PHA under portability. If the administrative fees are prorated for the HCV program, the proration will apply to the amount of the administrative fee for which the receiving PHA may bill [24 CFR 982.355(e)(2)].

The initial PHA is responsible for making billing payments in a timely manner. The first billing amount is due within 30 calendar days after the initial PHA receives Part II of form HUD-52665 from the receiving PHA. Subsequent payments must be **received** by the receiving PHA no later than the fifth business day of each month. The payments must be provided in a form and manner that the receiving PHA is able and willing to accept.

The initial PHA may not terminate or delay making payments under existing portability billing arrangements as a result of overleasing or funding shortfalls. The PHA must manage its tenant-based program in a manner that ensures that it has the financial ability to provide assistance for families that move out of its jurisdiction under portability and are not absorbed by receiving PHAs as well as for families that remain within its jurisdiction.

The GRHC will utilize direct deposit to ensure that the payment is received by the deadline unless the receiving PHA notifies the GRHC that direct deposit is not acceptable to them. If the PHA extends the term of the voucher, the receiving PHA's voucher will expire 30 calendar days from the new expiration date of the initial PHA's voucher.

Annual Updates of Form HUD-50058

If the initial PHA is being billed on behalf of a portable family, it should receive an updated form HUD-50058 each year from the receiving PHA. If the initial PHA fails to receive an updated 50058 by the family's annual reexamination date, the initial PHA should contact the receiving PHA to verify the status of the family. The initial PHA must continue paying the receiving PHA based on the last form HUD-50058 received, unless instructed otherwise by HUD. The initial PHA may seek absorption of the vouchers by following steps outlined in Notice PIH 2016-09.

Denial or Termination of Assistance [24 CFR 982.355(c)(17)]

At any time, either the initial PHA or the receiving PHA may make a determination to deny or terminate assistance with the family in accordance with 24 CFR 982.552 and 24 CFR 982.553. (For PHA policies on denial and termination, see Chapters 3 and 12, respectively.)

10-II.C. RECEIVING PHA ROLE

If a family has a right to lease a unit in the receiving PHA's jurisdiction under portability, the receiving PHA must provide assistance for the family [24 CFR 982.355(10)]. HUD may determine in certain instances that a PHA is not required to accept incoming portable families, such as a PHA in a declared disaster area. However, the PHA must have approval in writing from HUD before refusing any incoming portable families [24 CFR 982.355(b)].

Administration of the voucher must be in accordance with the receiving PHA's policies. This requirement also applies to policies of Moving to Work agencies. The receiving PHA procedures and preferences for selection among eligible applicants do not apply to the family, and the receiving PHA waiting list is not used [24 CFR 982.355(c)(10)]. The family's unit, or voucher, size is determined in accordance with the subsidy standards of the receiving PHA [24 CFR 982.355(c)(12)], and the receiving PHA's policies on extensions of the voucher term apply [24 CFR 982.355(c)(14)].

Responding to Initial PHA's Request [24 CFR 982.355(c)]

The receiving PHA will respond via email or other confirmed delivery method to the initial PHA's inquiry to determine whether the family's voucher will be billed or absorbed [24 CFR 982.355(c)(3)]. If the receiving PHA informs the initial PHA that it will be absorbing the voucher, the receiving PHA cannot reverse its decision at a later date without consent of the initial PHA (24 CFR 982.355(c)(4)).

Initial Contact with Family

When a family moves into the PHA's jurisdiction under portability, the family is responsible for promptly contacting the PHA and complying with the PHA's procedures for incoming portable families. The family's failure to comply may result in denial or termination of the receiving PHA's voucher [24 CFR 982.355(c)(8)].

If the voucher issued to the family by the initial PHA has expired, the receiving PHA must contact the initial PHA to determine if it will extend the voucher [24 CFR 982.355(c)(13)]. An informal hearing is not required when a voucher has expired without the family leasing a unit.

If for any reason the receiving PHA refuses to process or provide assistance to a family under the portability procedures, the family must be given the opportunity for an informal review or hearing [Notice PIH 2016-09]. (For more on this topic, see later under “Denial or Termination of Assistance.”)

Briefing

The GRHC will require the family to attend a briefing. The GRHC will provide the family with a briefing packet (as described in Chapter 5) and, in an individual briefing, will orally inform the family about the GRHC’s payment and subsidy standards, procedures for requesting approval of a unit, the unit inspection process, and the leasing process.

Income Eligibility and Reexamination

For any family moving into its jurisdiction under portability, the GRHC will conduct a new reexamination of family income and composition. However, the GRHC will not delay issuing the family a voucher for this reason. Nor will the GRHC delay approving a unit for the family until the reexamination process is complete unless the family is an applicant and the GRHC cannot otherwise confirm that the family is income eligible for admission to the program in the area where the unit is located.

In conducting its own reexamination, the GRHC will rely upon any verifications provided by the initial PHA to the extent that they (a) accurately reflect the family’s current circumstances and (b) were obtained within the last 120 days. Any new information may be verified by documents provided by the family and adjusted, if necessary, when third party verification is received.

Voucher Issuance

When a family moves into its jurisdiction under portability, the receiving PHA is required to issue the family a voucher [24 CFR 982.355(c)(13)]. The family must submit a request for tenancy approval to the receiving PHA during the term of the receiving PHA’s voucher [24 CFR 982.355(c)(15)].

Timing of Voucher Issuance

HUD expects the receiving PHA to issue the voucher within two weeks after receiving the family’s paperwork from the initial PHA if the information is in order, the family has contacted the receiving PHA, and the family complies with the receiving PHA’s procedures [Notice PIH 2016-09].

When a family ports into its jurisdiction, the GRHC will issue the family a voucher based on the paperwork provided by the initial PHA unless the family’s paperwork from the initial PHA is incomplete, the family’s voucher from the initial PHA has expired or the family does not comply with the PHA’s procedures. The GRHC will update the family’s information when verification has been completed.

Voucher Term

The term of the receiving PHA’s voucher may not expire before 30 calendar days from the expiration of the initial PHA’s voucher [24 CFR 982.355(c)(13)]. If the initial PHA extends the

term of the voucher, the receiving PHA's voucher may not expire before 30 days from the new expiration date of the initial PHA's voucher [Notice PIH 2016-09].

The PHA's voucher will expire 30 calendar days from the expiration date of the initial PHA's voucher. If the initial PHA extends the term of the voucher, the receiving PHA's voucher will expire 30 calendar days from the new expiration date of the initial PHA's voucher.

Voucher Extensions [24 CFR 982.355(c)(14), Notice 2016-09]

Once the receiving PHA issues the portable family a voucher, the receiving PHA's policies on extensions of the voucher term apply. The receiving PHA must inform the initial PHA of any extension granted to the term of the voucher. It must also bear in mind the billing deadline provided by the initial PHA. Unless willing and able to absorb the family, the receiving PHA should ensure that any voucher expiration date would leave sufficient time to process a request for tenancy approval, execute a HAP contract, and deliver the initial billing to the initial PHA.

The GRHC generally will not extend the term of the voucher that it issues to an incoming portable family unless the GRHC plans to absorb the family into its own program, in which case it will follow the policies on voucher extension set forth in section 5-II.E.

The GRHC will consider an exception to this policy as a reasonable accommodation to a person with disabilities (see Chapter 2).

Voucher Suspensions [24 CFR 982.303, 24 CFR 982.355(c)(15)]

If the family submits a request for tenancy approval during the term of the receiving PHA's voucher, the GRHC will suspend the term of that voucher. The term of the voucher stops from the date that the family submits a request for PHA approval of the tenancy until the date the PHA notifies the family in writing whether the request has been approved or denied [24 CFR 982.4(b)] (see Section 5-II.E).

Notifying the Initial PHA

The receiving PHA must promptly notify the initial PHA if the family has leased an eligible unit under the program or if the family fails to submit a request for tenancy approval for an eligible unit within the term of the receiving PHA's voucher [24 CFR 982.355(c)(16)]. The receiving PHA is required to use Part II of form HUD-52665, Family Portability Information, for this purpose [Notice PIH 2016-09]. (For more on this topic and the deadline for notification, see below under "Administering a Portable Family's Voucher.")

If an incoming portable family ultimately decides not to lease in the jurisdiction of the receiving PHA but instead wishes to return to the initial PHA's jurisdiction or to search in another jurisdiction, the receiving PHA must refer the family back to the initial PHA. In such a case the voucher of record for the family is once again the voucher originally issued by the initial PHA. Any extension of search time provided by the receiving PHA's voucher is only valid for the family's search in the receiving PHA's jurisdiction [Notice PIH 2016-09].

Administering a Portable Family's Voucher

Portability Billing [24 CFR 982.355(e)]

To cover assistance for a portable family that was not absorbed, the receiving PHA bills the initial PHA for housing assistance payments and administrative fees. The amount of the housing

assistance payment for a portable family in the receiving PHA's program is determined in the same manner as for other families in the receiving PHA's program.

The receiving PHA may bill the initial PHA for the lesser of 80 percent of the initial PHA's ongoing administrative fee or 100 percent of the receiving PHA's ongoing administrative fee for each program unit under contract on the first day of the month for which the receiving PHA is billing the initial PHA under portability. If the administrative fees are prorated for the HCV program, the proration will apply to the amount of the administrative fee for which the receiving PHA may bill (i.e., the receiving PHA may bill for the lesser of 80 percent of the initial PHA's prorated ongoing administrative fee or 100 percent of the receiving PHA's ongoing administrative fee).

Unless the PHA negotiates a different amount of reimbursement with the initial PHA, the PHA will bill the initial PHA the maximum amount of administrative fees allowed, ensuring any administrative fee proration has been properly applied.

Initial Billing Deadline

If a portable family's search for a unit is successful and the receiving PHA intends to administer the family's voucher, the receiving PHA must submit its initial billing notice (Part II of form HUD-52665) in time that the notice will be **received** no later than 90 days following the expiration date of the family's voucher issued by the initial PHA [Notice PIH 2016-09]. This deadline may be extended for 30 additional days if the delay is due to suspension of the voucher's term (see Initial Billing Section). A copy of the family's form HUD-50058, Family Report, completed by the receiving PHA must be attached to the initial billing notice. The receiving PHA may send these documents by mail, or email.

The PHA will send its initial billing notice by email, if necessary, to meet the billing deadline but will also send the notice by regular mail.

If the receiving PHA fails to send the initial billing by the deadline, it is required to absorb the family into its own program unless (a) the initial PHA is willing to accept the late submission or (b) HUD requires the initial PHA to honor the late submission (e.g., because the receiving PHA is overleased) [Notice PIH 2016-09].

Ongoing Notification Responsibilities [Notice PIH 2016-09, HUD-52665]

Annual Reexamination. The receiving PHA must send the initial PHA a copy of a portable family's updated form HUD-50058 after each annual reexamination for the duration of time the receiving PHA is billing the initial PHA on behalf of the family, regardless of whether there is a change in the billing amount.

The GRHC will send a copy of the updated HUD-50058 by regular mail no later than 10 business days after the effective date of the reexamination.

Change in Billing Amount. The receiving PHA is required to notify the initial PHA, using form HUD-52665, of any change in the billing amount for the family as a result of:

- A change in the HAP amount (because of a reexamination, a change in the applicable payment standard, a move to another unit, etc.)
- An abatement or subsequent resumption of the HAP payments
- Termination of the HAP contract

- Payment of a damage/vacancy loss claim for the family
- Termination of the family from the program

The timing of the notice of the change in the billing amount should correspond with the notification to the owner and the family in order to provide the initial PHA with advance notice of the change. Under no circumstances should the notification be later than 10 business days following the effective date of the change in the billing amount. If the receiving PHA fails to send Form HUD-52665 within 10 business days of effective date of billing changes, the initial PHA is not responsible for any increase prior to notification. If the change resulted in a decrease in the monthly billing amount, the initial PHA will offset future monthly payments until the difference is reconciled.

Late Payments [Notice PIH 2016-09]

If the initial PHA fails to make a monthly payment for a portable family by the fifth business day of the month, the receiving PHA must promptly notify the initial PHA in writing of the deficiency. The notice must identify the family, the amount of the billing payment, the date the billing payment was due, and the date the billing payment was received (if it arrived late). The receiving PHA must send a copy of the notification to the Office of Public Housing (OPH) in the HUD area office with jurisdiction over the receiving PHA. If the initial PHA fails to correct the problem by the second month following the notification, the receiving PHA may request by memorandum to the director of the OPH with jurisdiction over the receiving PHA that HUD transfer the unit in question. A copy of the initial notification and any subsequent correspondence between the PHAs on the matter must be attached. The receiving PHA must send a copy of the memorandum to the initial PHA. If the OPH decides to grant the transfer, the billing arrangement on behalf of the family ceases with the transfer, but the initial PHA is still responsible for any outstanding payments due to the receiving PHA.

Overpayments [Notice PIH 2016-09]

In all cases where the receiving PHA has received billing payments for billing arrangements no longer in effect, the receiving PHA is responsible for returning the full amount of the overpayment (including the portion provided for administrative fees) to the initial PHA.

In the event that HUD determines billing payments have continued for at least three months because the receiving PHA failed to notify the initial PHA that the billing arrangement was terminated, the receiving PHA must take the following steps:

- Return the full amount of the overpayment, including the portion provided for administrative fees, to the initial PHA.
- Once full payment has been returned, notify the Office of Public Housing in the HUD area office with jurisdiction over the receiving PHA of the date and the amount of reimbursement to the initial PHA.

At HUD's discretion, the receiving PHA will be subject to the sanctions spelled out in Notice PIH 2016-09.

Denial or Termination of Assistance

At any time, the receiving PHA may make a determination to deny or terminate assistance to a portable family for family action or inaction [24 CFR 982.355(c)(17)].

In the case of a termination, the GRHC should provide adequate notice of the effective date to the initial PHA to avoid having to return a payment. In no event should the receiving PHA fail to notify the initial PHA later than 10 business days following the effective date of the termination of the billing arrangement [HUD-52665; Notice PIH 2016-09].

If the GRHC elects to deny or terminate assistance for a portable family, the GRHC will notify the initial PHA within 15 calendar days after the informal review or hearing if the denial or termination is upheld. The GRHC will base its denial or termination decision on the policies set forth in Chapter 3 or Chapter 12, respectively. The informal review or hearing will be held in accordance with the policies in Chapter 16. The GRHV will furnish the initial PHA with a copy of the review or hearing decision.

Absorbing a Portable Family

The receiving PHA may absorb an incoming portable family into its own program when the PHA executes a HAP contract on behalf of the family or at any time thereafter providing that the PHA has funding available under its annual contributions contract (ACC) [24 CFR 982.355(d)(1), Notice PIH 2016-09].

If the receiving PHA absorbs a family from the point of admission, the admission will be counted against the income targeting obligation of the receiving PHA [24 CFR 982.201(b)(2)(vii)].

If the receiving PHA absorbs a family after providing assistance for the family under a billing arrangement with the initial PHA, the receiving PHA must send an updated form HUD-52665 to the initial PHA no later than 10 business days following the effective date of the termination of the billing arrangement [Notice PIH 2016-09].

If the GRHC decides to absorb a portable family upon the execution of a HAP contract on behalf of the family, the GRHC will notify the initial PHA by the initial billing deadline specified on form HUD-52665. The effective date of the HAP contract will be the effective date of the absorption.

If the GRHC decides to absorb a family after that, it will provide the initial PHA with 30 calendar days' advance notice, but no later than 10 business days following the effective date of the termination of the billing arrangement.

Following the absorption of an incoming portable family, the family is assisted with funds available under the consolidated ACC for the receiving PHA's voucher program [24 CFR 982.355(d)], and the receiving PHA becomes the initial PHA in any subsequent moves by the family under portability [24 CFR 982.355(e)(4)].

Chapter 11

REEXAMINATIONS

| | |
|---|----|
| INTRODUCTION | 2 |
| PART I: ANNUAL REEXAMINATIONS [24 CFR 982.516] | 3 |
| 11-I.A. OVERVIEW..... | 3 |
| 11-I.B. STREAMLINED ANNUAL REEXAMINATIONS | 3 |
| 11-I.C. SCHEDULING ANNUAL REEXAMINATIONS | 3 |
| 11-I.D. CONDUCTING ANNUAL REEXAMINATIONS | 4 |
| 11-I.E. DETERMINING ONGOING ELIGIBILITY OF CERTAIN STUDENTS [24 CFR 982.552(b)(5)] | 5 |
| 11-I.F. EFFECTIVE DATES..... | 6 |
| PART II: INTERIM REEXAMINATIONS [24 CFR 982.516] | 7 |
| 11-II.A. OVERVIEW | 7 |
| 11-II.B. CHANGES IN FAMILY AND HOUSEHOLD COMPOSITION | 7 |
| 11-II.C. CHANGES AFFECTING INCOME OR EXPENSES..... | 8 |
| 11-II.D. PROCESSING THE INTERIM REEXAMINATION | 10 |
| PART III: RECALCULATING FAMILY SHARE AND SUBSIDY AMOUNT | 11 |
| 11-III.A. OVERVIEW | 11 |
| 11-III.B. CHANGES IN PAYMENT STANDARDS AND UTILITY ALLOWANCES | 11 |
| 11-III.C. NOTIFICATION OF NEW FAMILY SHARE AND HAP AMOUNT | 12 |
| 11-III.D. DISCREPANCIES | 12 |

INTRODUCTION

The GRHC is required to reexamine each family's income and composition at least annually, and to adjust the family's level of assistance accordingly. Interim reexaminations are also needed in certain situations. This chapter discusses both annual and interim reexaminations, and the recalculation of family share and subsidy that occurs as a result. HUD regulations and GRHC policies concerning reexaminations are presented in three parts:

Part I: Annual Reexaminations. This part discusses the process for conducting annual reexaminations.

Part II: Interim Reexaminations. This part details the requirements for families to report changes in family income and composition between annual reexaminations.

Part III: Recalculating Family Share and Subsidy Amount. This part discusses the recalculation of family share and subsidy amounts based on the results of annual and interim reexaminations.

Policies governing reasonable accommodation, family privacy, required family cooperation, and program abuse, as described elsewhere in this plan, apply to both annual and interim reexaminations.

PART I: ANNUAL REEXAMINATIONS [24 CFR 982.516]

11-I.A. OVERVIEW

The GRHC will conduct a reexamination of family income and composition at least annually. This includes gathering and verifying current information about family composition, income, and expenses. Based on this updated information, the family's income and rent must be recalculated. This part discusses the schedule for annual reexaminations, the information to be collected and verified, and annual reexamination effective dates.

11-I.B STREAMLINED ANNUAL REEXAMINATIONS [24 CFR 982.516(b)]

HUD permits the GRHC to streamline the income determination process for family members with fixed sources of income. While third-party verification of all income sources must be obtained during the intake process and every three years thereafter, in the intervening years the GRHC may determine income from fixed sources by applying a verified cost of living adjustment (COLA) or rate of interest.

Fixed sources of income include Social Security and SSI benefits, pensions, annuities, disability or death benefits, and other sources of income subject to a COLA or rate of interest. The determination of fixed income may be streamlined even if the family also receives income from other non-fixed sources.

The GRHC will only streamline the annual reexamination process for households that are elderly and/or disabled on fixed income by applying the verified COLA or interest rate to fixed-income sources. The GRHC will document in the file how the determination that a source of income was fixed was made.

If a family member with a fixed source of income is added, the GRHC will use third-party verification of all income amounts for that family member.

If verification of the COLA or rate of interest is not available, the GRHC will obtain third-party verification of income amounts.

Third-party verification of fixed sources of income will be obtained during the intake process and at least once every three years thereafter.

Third-party verification of non-fixed income will be obtained annually regardless of the percentage of family income received from fixed sources.

11-I.C. SCHEDULING ANNUAL REEXAMINATIONS

The GRHC will begin the annual reexamination process 120 days in advance of its scheduled effective date. Generally, the PHA will schedule annual reexamination effective dates to coincide with the family's anniversary date.

Anniversary date is defined as 12 months from the effective date of the family's last annual reexamination or, during a family's first year in the program, from the effective date of the family's initial examination (admission). If the family moves to a new unit, the GRHC will perform a new annual reexamination. The GRHC also may schedule an annual reexamination for completion prior to the anniversary date for administrative purposes.

GRHC MTW Flexibility

For HCV Programs, the GRHC will decrease the frequency of reexaminations from annual to biennial for elderly and/or disabled households that are on a fixed income.

Notification of and Participation in the Annual Reexamination Process

Families are required to participate in an annual reexamination interview, which must be attended by the head of household, spouse, or cohead. Generally, the interview will be performed by phone or a virtual meeting but may be conducted in-person if preferred or with reasonable accommodation. (see Chapter 2).

Notification of annual reexamination interviews will be sent by email or USPS mail and will contain the date, time, and location (if applicable) of the interview. In addition, it will inform the family of the information and documentation that must be sent to the GRHC.

If the family cannot attend a scheduled interview, they should contact the GRHC before the interview to schedule a new interview. If a family does not attend the scheduled interview, the GRHC will send a second notification with a new interview date and appointment time.

If a family fails to attend two scheduled interviews without GRHC approval, or if the notice is returned by the post office with no forwarding address, and no response to phone calls, a notice of termination (see Chapter 12) will be sent to the family's address of record, and to any alternate address provided in the family's file.

An advocate, interpreter, or other assistant may assist the family in the interview process.

11-I.D. CONDUCTING ANNUAL REEXAMINATIONS

As part of the annual reexamination process, families are required to provide updated information to the GRHC regarding the family's income, expenses, and composition [24 CFR 982.551(b)].

Families will be asked to provide all required information (as described in the reexamination notice) for the reexamination interview. The required information will include a GRHC-designated reexamination form, an Authorization for the Release of Information/Privacy Act Notice, as well as supporting documents or forms related to the family's income, expenses, and family composition.

Any required documents or information that the family is unable to provide at the time of the interview must be provided within 15 calendar days of the interview. If the family is unable to obtain the information or materials within the required time frame, the family may request an extension.

If the family does not provide the required documents or information within the required time period (plus any extensions), the family will be sent a notice of termination (See Chapter 12).

At the annual reexamination, the GRHC will ask whether the tenant, or any member of the tenant's household, is subject to a lifetime or any other sex offender registration requirement in any state. The GRHC will use the Dru Sjodin National Sex Offender database to verify the information provided by the tenant.

If the GRHC proposes to terminate assistance based on lifetime sex offender registration information, the GRHC will notify the household of the proposed action and must provide the subject of the record and the tenant a copy of the record and an opportunity to dispute the accuracy and relevance of the information prior to termination. [24 CFR 5.903(f) and 5.905(d)]. (See Chapter 12.)

The information provided by the family generally must be verified in accordance with the policies in Chapter 7. Unless the family reports a change, or the GRHC has reason to believe a change has occurred in information previously reported by the family, certain types of information that are verified at admission typically do not need to be re-verified on an annual basis. These include:

- Legal identity
- Age
- Social Security numbers
- A person's disability status
- Citizenship or immigration status

If adding a new family member to the unit causes overcrowding according to the housing quality standards (HQS) (see Chapter 8), the GRHC will issue the family a new voucher, and the family will try to find an acceptable unit as soon as possible. If an acceptable unit is available for rental by the family, the GRHC will terminate the HAP contract in accordance with its terms [24 CFR 982.403].

11-I.E. DETERMINING ONGOING ELIGIBILITY OF CERTAIN STUDENTS [24 CFR 982.552(b)(5)]

Section 327 of Public Law 109-115 established new restrictions on the ongoing eligibility of certain students (both part- and full-time) who are enrolled in institutions of higher education.

If a student enrolled in an institution of higher education is under the age of 24, is not a veteran, is not married, does not have a dependent child, and is not a person with disabilities receiving HCV assistance as of November 30, 2005, the student's eligibility must be reexamined along with the income eligibility of the student's parents on an annual basis. In these cases, both the student and the student's parents must be income eligible for the student to continue to receive HCV assistance. If, however, a student in these circumstances is determined independent from his or her parents or is considered a *vulnerable youth* in accordance with PHA policy, the income of the student's parents will not be considered in determining the student's ongoing eligibility.

Students who reside with parents in an HCV assisted unit are not subject to this provision. It is limited to students who are receiving assistance on their own, separately from their parents.

During the annual reexamination process, the GRHC will determine the ongoing eligibility of each student who is subject to the eligibility restrictions in 24 CFR 5.612 by reviewing the student's individual income as well as the income of the student's parents. If the student has been determined "independent" from his/her parents or is considered a *vulnerable youth* based on the policies in Sections 3-II.E and 7-II.E, the parents' income will not be reviewed.

If the student is no longer income eligible based on his/her own income or the income of his/her parents, the student's assistance will be terminated in accordance with the policies in Section 12-I.D.

If the student continues to be income eligible based on his/her own income and the income of his/her parents (if applicable), the GRHC will process a reexamination in accordance with the policies in this chapter.

11-I.F. EFFECTIVE DATES

The GRHC has establish policies concerning the effective date of changes that result from an annual reexamination [24 CFR 982.516].

In general, an *increase* in the family share of the rent that results from an annual reexamination will take effect on the family's anniversary date, and the family will be notified at least 30 calendar days in advance.

- If less than 30 calendar days remain before the scheduled effective date, the increase will take effect on the first of the month following the end of the 30-day notice period.
- If a family moves to a new unit, the increase will take effect on the effective date of the new lease and HAP contract, and no 30-day notice is required.
- If the GRHC chooses to schedule an annual reexamination for completion prior to the family's anniversary date for administrative purposes, the effective date will be determined by the GRHC, but will always allow for the 30-day notice period.
- If the family causes a delay in processing the annual reexamination, increases in the family share of the rent will be applied retroactively, to the scheduled effective date of the annual reexamination. The family will be responsible for any overpaid subsidy and may be offered a repayment agreement in accordance with the policies in Chapter 16.

In general, a *decrease* in the family share of the rent that results from an annual reexamination will take effect on the family's anniversary date.

- If a family moves to a new unit, the decrease will take effect on the effective date of the new lease and HAP contract.
- If the GRHC chooses to schedule an annual reexamination for completion prior to the family's anniversary date for administrative purposes, the effective date will be determined by the GRHC.
- If the family causes a delay in processing the annual reexamination, *decreases* in the family share of the rent will be applied prospectively, from the first day of the month following completion of the reexamination processing.

Delays in reexamination processing are considered to be caused by the family if the family fails to provide information requested by the GRHC by the date specified, and this delay prevents the GRHC from completing the reexamination as scheduled.

GRHC MTW Flexibility

The effective date for elderly and disabled families on a fixed income will occur two (2) years after the initial certification (new admission).

PART II: INTERIM REEXAMINATIONS [24 CFR 982.516]

11-II.A. OVERVIEW

Family circumstances may change between annual reexaminations. HUD and GRHC policies dictate what kinds of information about changes in family circumstances must be reported, and under what circumstances the GRHC will process interim reexaminations to reflect those changes. HUD regulations also permit the GRHC to conduct interim reexaminations of income or family composition at any time. When an interim reexamination is conducted, only those factors that have changed are verified and adjusted [HCV GB, p. 12-10].

In addition to specifying what information the family must report, HUD regulations permit the family to request an interim determination if other aspects of the family's income or composition changes. The GRHC will complete the interim reexamination within a reasonable time after the family's request.

This part includes HUD and GRHC policies describing what changes families are required to report, what changes families may choose to report, and how the GRHC will process both GRHC- and family-initiated interim reexaminations.

11-II.B. CHANGES IN FAMILY AND HOUSEHOLD COMPOSITION

The family is required to report all changes in family composition. The GRHC will conduct interim reexaminations to account for any changes in household composition that occur between annual reexaminations.

New Family Members Not Requiring GRHC Approval

The addition of a family member as a result of birth, adoption, or court-awarded custody does not require GRHC approval. The family must inform the GRHC of the birth, adoption, or court-awarded custody of a child within 15 calendar days [24 CFR 982.551(h)(2)].

New Family and Household Members Requiring Approval

With the exception of children who join the family as a result of birth, adoption, or court-awarded custody, a family must request GRHC approval to add a new family member [24 CFR 982.551(h)(2)] or other household member (live-in aide or foster child) [24 CFR 982.551(h)(4)].

When any new family member is added, the GRHC will make appropriate adjustments in the family share of the rent and the HAP payment at the effective date of either the annual or interim reexamination [24 CFR 982.516(e)(2)].

If a change in family size causes a violation of Housing Quality Standards (HQS) space standards (see Chapter 8), the GRHC will issue the family a new voucher, and the family will try to find an acceptable unit as soon as possible. If an acceptable unit is available for rental by the family, the GRHC will terminate the family's current HAP contract in accordance with its terms [24 CFR 982.403].

Families must request GRHC approval to add a new family member, live-in aide, foster child, or foster adult. Cases will be evaluated based on the households requests for accommodation. This includes any person not on the lease who is expected to stay in the unit for more than 30 consecutive calendar days or 90 cumulative calendar days within a 12-month period and

therefore no longer qualifies as a “guest.” Requests must be made in writing and approved by the GRHC prior to the individual moving into the unit.

The GRHC will not approve the addition of a new family or household member unless the individual meets the GRHC’s eligibility criteria (see Chapter 3) and documentation requirements (see Chapter 7, Part II).

If the GRHC determines an individual meets the GRHC’s eligibility criteria and documentation requirements, the GRHC will provide written approval to the family. If the approval of a new family member or live-in aide will cause overcrowding according to HQS standards, the approval letter will explain that the family will be issued a new voucher and will be required to move.

If the GRHC determines that an individual does not meet the GRHC’s eligibility criteria or documentation requirements, the GRHC will notify the family in writing of its decision to deny approval of the new family or household member and the reasons for the denial.

The GRHC will make its determination within 15 calendar days of receiving all information required to verify the individual’s eligibility.

Departure of a Family or Household Member

Families must promptly notify the GRHC within 15 calendar days if any family member no longer lives in the unit [24 CFR 982.551(h)(3)]. This requirement also applies to a family member who has been considered temporarily absent at the point that the family concludes the individual is permanently absent. Because household members are considered when determining the family unit (voucher) size [24 CFR 982.402], the GRHC also needs to know within 15 calendar days when any live-in aide, foster child, or foster adult ceases to reside in the unit.

11-II.C. CHANGES AFFECTING INCOME OR EXPENSES

Interim reexaminations can be scheduled either because the PHA has reason to believe that changes in income or expenses may have occurred, or because the family reports a change. When a family reports a change, the PHA may take different actions depending on whether the family reported the change voluntarily, or because it was required to do so.

GRHC-Initiated Interim Reexaminations

The GRHC will conduct interim reexaminations in each of the following instances:

- For families receiving the Earned Income Disallowance (EID), the PHA will conduct an interim reexamination at the start and conclusion of the 24-month eligibility period.
- If the family has reported zero income, the GRHC will conduct an interim reexamination every 3 months as long as the family continues to report that they have no income.
- If at the time of the annual reexamination, it is not feasible to anticipate a level of income for the next 12 months (e.g. seasonal or cyclic income), the GRHC will schedule an interim reexamination to coincide with the end of the period for which it is feasible to project income.
- If at the time of the annual reexamination, tenant declarations were used on a provisional basis due to the lack of third-party verification, and third-party verification becomes available, the PHA will conduct an interim reexamination.

- The GRHC may conduct an interim reexamination at any time in order to correct an error in a previous reexamination, or to investigate a tenant fraud complaint.

Family-Initiated Interim Reexaminations

Required Reporting

Families are required to report all increases in income, including new employment, within 15 calendar days of the date the change takes effect. Families are not required to report any other changes in income or expenses.

GRHC MTW Flexibility

The GRHC will limit Interim Recertifications (IR) for elderly and/or disabled families on fixed incomes to decreases of income that are greater than 10% of the family/household's gross annual income and/or household composition changes. Residents may request a hardship exemption to waive the MTW activity.

Optional Reporting

The family may request an interim reexamination any time the family has experienced a change in circumstances since the last determination [24 CFR 982.516(b)(2)]. The GRHC will process the request if the family reports a change that will result in a reduced family income [HCV GB, p. 12-9].

If a family reports a decrease in income from the loss of welfare benefits due to fraud or non-compliance with a welfare agency requirement to participate in an economic self-sufficiency program, the family's share of the rent will not be reduced [24 CFR 5.615]. For more information regarding the requirement to impute welfare income see Chapter 6.

If a family reports a change that it was not required to report and that would result in an increase in the family share of the rent, the GRHC will note the information in the tenant file but will not conduct an interim reexamination.

If a family reports a change that it was not required to report and would result in a decrease of \$2,400/year in annual gross income and leads to a decrease in the family share of rent, the GRHC will conduct an interim reexamination. See Section 11-II.D. for effective dates.

Families may report changes at any time.

11-II.D. PROCESSING THE INTERIM REEXAMINATION

Method of Reporting

The family may notify the GRHC of changes either orally, mail, or electronically. If the family provides oral notice, the GRHC may also require the family to submit the changes in writing.

Generally, the family will not be required to attend an interview for an interim reexamination. However, if the GRHC determines that an interview is warranted, the family may be required to attend.

Based on the type of change reported, the GRHC will determine the documentation the family will be required to submit. The family must submit any required information or documents within 15 calendar days of receiving a request from the GRHC. This time frame may be extended for good cause with GRHC approval. The GRHC will accept required documentation by mail, by portal, email or in person.

Effective Dates

If the family share of the rent is to increase:

- The increase generally will be effective on the first of the month following 30 calendar days' notice to the family.
- If a family fails to report a change within the required time frames or fails to provide all required information within the required time frames, the increase will be applied retroactively to the date it would have been effective had the information been provided on a timely basis. The family will be responsible for any overpaid subsidy and will be offered a repayment agreement in accordance with the policies in Chapter 16, if unable to pay in full.

If the family share of the rent is to decrease:

- The decrease will be effective on the first day of the month following the month in which the change was reported and all required documentation was submitted. In cases where the change cannot be verified until after the date the change would have become effective, the change will be made retroactively.

PART III: RECALCULATING FAMILY SHARE AND SUBSIDY AMOUNT

11-III.A. OVERVIEW

After gathering and verifying required information for an annual or interim reexamination, the GRHC will recalculate the family share of the rent and the subsidy amount, and notify the family and owner of the changes [24 CFR 982.516(d)(2), HCV 12-6 and 12-10]. While the basic policies that govern these calculations are provided in Chapter 6, this part lays out policies that affect these calculations during a reexamination.

11-III.B. CHANGES IN PAYMENT STANDARDS AND UTILITY ALLOWANCES

Payment Standards [24 CFR 982.505]

The family share of the rent and HAP calculations must use the correct payment standard for the family, taking into consideration the family unit size, the size of unit, and the area in which the unit is located [HCV GB, p. 12-5]. See Chapter 6 for information on how to select the appropriate payment standard.

When the GRHC changes its payment standards or the family's situation changes, new payment standards are applied at the following times:

- If the GRHC's payment standard amount changes during the term of the HAP contract, the date on which the new standard is applied depends on whether the standard has increased or decreased:
 - If the payment standard amount has *increased*, the increased payment standard will be applied at the *first annual* reexamination following the effective date of the increase in the payment standard.
 - If the payment standard amount has *decreased*, during the term of a HAP contract, the GRHC will not reduce the payment standard. At the family's *second annual* reexamination, the GRHC may, but is not required to, apply the decreased payment standard or may gradually implement the reduced payment standard (See Chapter 6 for the GRHC's policy on decreases in the payment standard).
- If the family moves to a new unit, or a new HAP contract is executed due to changes in the lease (even if the family remains in place) the current payment standard applicable to the family will be used when the new HAP contract is processed.

Subsidy Standards [24 CFR 982.505(c)(4)]

If there is a change in the family unit size that would apply to a family during the HAP contract term, either due to a change in family composition, or a change in the GRHC's subsidy standards (see Chapter 5), the new family unit size must be used to determine the payment standard amount for the family at the family's *first annual* reexamination following the change in family unit size.

Utility Allowances [24 CFR 982.517(d)]

The family share of the rent and HAP calculations must reflect any changes in the family's utility arrangement with the owner, or in the GRHC's utility allowance schedule [HCV GB, p. 12-5]. Chapter 16 discusses how utility allowance schedules are established.

When there are changes in the utility arrangement with the owner, the GRHC will use the utility allowances in effect at the time the new lease and HAP contract are executed.

At reexamination, the GRHC will use the GRHC current utility allowance schedule [HCV GB, p. 18-8].

11-III.C. NOTIFICATION OF NEW FAMILY SHARE AND HAP AMOUNT

The GRHC will notify the owner and family of any changes in the amount of the HAP payment [HUD-52641, HAP Contract]. The notice will include the following information [HCV GB, p. 12-6]:

- The amount and effective date of the new HAP payment
- The amount and effective date of the new family share of the rent
- The amount and effective date of the new tenant rent to owner
- The annual and adjusted income amounts utilized to determine the family share and HAP subsidy amount.

The family will be given an opportunity for an informal hearing regarding the GRHC's determination of their annual or adjusted income, and the use of such income to compute the housing assistance payment [24 CFR 982.555(a)(1)(i)] (see Chapter 16).

11-III.D. DISCREPANCIES

During an annual or interim reexamination, the GRHC may discover that information previously reported by the family was in error, or that the family intentionally misrepresented information. In addition, the GRHC may discover errors made by the GRHC. When errors resulting in the overpayment or underpayment of subsidy are discovered, corrections will be made in accordance with the policies in Chapter 13.

Chapter 12

TERMINATION OF ASSISTANCE AND TENANCY

| | |
|--|----|
| INTRODUCTION | 2 |
| PART I: GROUNDS FOR TERMINATION OF ASSISTANCE..... | 3 |
| 12-I.A. OVERVIEW | 3 |
| 12-I.B. FAMILY NO LONGER REQUIRES ASSISTANCE | 3 |
| 12-I.C. FAMILY CHOOSES TO TERMINATE ASSISTANCE | 3 |
| 12-I.D. MANDATORY TERMINATION OF ASSISTANCE | 3 |
| 12-I.E. MANDATORY POLICIES AND OTHER AUTHORIZED TERMINATIONS | 5 |
| PART II: APPROACH TO TERMINATION OF ASSISTANCE..... | 8 |
| 12-II.A. OVERVIEW | 8 |
| 12-II.B. METHOD OF TERMINATION | 8 |
| 12-II.C. ALTERNATIVES TO TERMINATION OF ASSISTANCE | 8 |
| 12-II.D. CRITERIA FOR DECIDING TO TERMINATE ASSISTANCE | 8 |
| 12-II.E. TERMINATIONS RELATED TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT OR STALKING | 10 |
| 12-II.F. TERMINATION NOTICE | 12 |
| PART III: TERMINATION OF TENANCY BY THE OWNER | 14 |
| 12-III.A. OVERVIEW | 14 |
| 12-III.B. GROUNDS FOR OWNER TERMINATION OF TENANCY | 14 |
| 12-III.C. EVICTION..... | 16 |
| 12-III.D. DECIDING WHETHER TO TERMINATE TENANCY | 16 |
| 12-III.E. EFFECT OF TENANCY TERMINATION ON THE FAMILY’S ASSISTANCE.. | 17 |
| EXHIBIT 12-1: STATEMENT OF FAMILY OBLIGATIONS | 18 |

INTRODUCTION

HUD regulations specify mandatory and optional grounds for which the GRHC can terminate a family's assistance. They also specify the circumstances under which an owner may terminate the tenancy of an assisted family. This chapter describes the policies that govern mandatory and optional terminations of assistance, and termination of tenancy by the owner. It is presented in three parts:

Part I: Grounds for Termination of Assistance. This part describes the various circumstances under which assistance under the program can be terminated by the family or by the GRHC.

Part II: Approach to Termination of Assistance. This part describes the policies and the process that the GRHC will use in evaluating decisions on whether to terminate assistance due to actions or inactions of the family where termination is an option. It specifies the alternatives that the GRHC may consider in lieu of termination, the criteria the GRHC will use when deciding what action to take, and the steps the GRHC must take when terminating a family's assistance.

Part III: Termination of Tenancy by the Owner. This part describes the HUD policies that govern the owner's right to terminate an assisted tenancy.

PART I: GROUNDS FOR TERMINATION OF ASSISTANCE

12-I.A. OVERVIEW

HUD requires the GRHC to terminate assistance for certain actions and inactions of the family and when the family no longer requires assistance due to increases in family income. HUD permits the GRHC to terminate assistance for certain other actions or inactions of the family. In addition, a family may decide to withdraw from the program and terminate their HCV assistance at any time by notifying the GRHC.

12-I.B. FAMILY NO LONGER REQUIRES ASSISTANCE [24 CFR 982.455]

As a family's income increases, the amount of the housing assistance payment decreases. If the amount of assistance provided by the GRHC is reduced to zero, the family's assistance terminates automatically 180 days after the last HAP payment. If a participating family receiving zero assistance experiences a change in circumstances that would result in a HAP payment to the owner, the family must notify the GRHC of the change and request an interim reexamination before the expiration of the 180-day period.

12-I.C. FAMILY CHOOSES TO TERMINATE ASSISTANCE

The family may request that the PHA terminate housing assistance payments on behalf of the family at any time. The request to terminate assistance should be made in writing and signed by the head of household, and spouse or cohead if applicable. Before terminating the family's assistance, the GRHC will follow the notice requirements in Section 12-II.F.

12-I.D. MANDATORY TERMINATION OF ASSISTANCE

Eviction [24 CFR 982.552(b)(2), 24 CFR 5.2005(c)(1)]

The GRHC will terminate assistance whenever a family is evicted from a unit assisted under the HCV program for a serious or repeated violation of the lease. As discussed further in section 12-II.E, incidents of actual or threatened domestic violence, dating violence, sexual assault, or stalking may not be construed as serious or repeated violations of the lease by the victim or threatened victim of such violence or stalking.

A family will be considered *evicted* if the family moves after a legal eviction order has been issued, whether or not physical enforcement of the order was necessary.

If a family moves after the owner has given the family an eviction notice for serious or repeated lease violations but before a legal eviction order has been issued, termination of assistance is not mandatory. In such cases the GRHC will determine whether the family has committed serious or repeated violations of the lease based on available evidence and may terminate assistance or take any of the alternative measures described in section 12-II.C. In making its decision, the GRHC will consider the factors described in sections 12-II.D and 12-II.E. Upon consideration of such factors, the GRHC may, on a case-by-case basis, choose not to terminate assistance.

Serious and repeated lease violations will include, but not be limited to, nonpayment of rent, disturbance of neighbors, destruction of property, or living or housekeeping habits that cause damage to the unit or premises and criminal activity. Generally, the criterion to be used will be whether or not the reason for the eviction was the fault of the tenant or guests.

Failure to Provide Consent [24 CFR 982.552(b)(3)]

The GRHC will terminate assistance if any family member fails to sign and submit any consent form they are required to sign for a regular or interim reexamination. See Chapter 7 for a complete discussion of consent requirements.

Failure to Document Citizenship [24 CFR 982.552(b)(4) and [24 CFR 5.514(c)]

The GRHC will terminate assistance if (1) a family fails to submit required documentation within the required timeframe concerning any family member's citizenship or immigration status; (2) a family submits evidence of citizenship and eligible immigration status in a timely manner, but United States Citizenship and Immigration Services (USCIS) primary and secondary verification does not verify eligible immigration status of the family; or (3) a family member, as determined by the GRHC, has knowingly permitted another individual who is not eligible for assistance to reside (on a permanent basis) in the unit.

For reason (3) above, such termination must be for a period of at least 24 months. This does not apply to ineligible noncitizens already in the household where the family's assistance has been prorated. See Chapter 7 for a complete discussion of documentation requirements.

Failure to Disclose and Document Social Security Numbers [24 CFR 5.218(c), Notice PIH 2018-24]

The GRHC will terminate assistance if a participant family fails to disclose the complete and accurate social security numbers of each household member and the documentation necessary to verify each social security number.

However, if the family is otherwise eligible for continued program assistance, and the GRHC determines that the family's failure to meet the SSN disclosure and documentation requirements was due to circumstances that could not have been foreseen and were outside of the family's control, the GRHC will defer the family's termination and provide the opportunity to comply with the requirement within a period not to exceed 90 calendar days from the date the GRHC determined the family to be noncompliant.

Methamphetamine Manufacture or Production [24 CFR 982.553(b)(1)(ii)]

The PHA must terminate assistance if any household member has ever been convicted of the manufacture or production of methamphetamine on the premises of federally assisted housing.

Lifetime Registered Sex Offenders [Notice PIH 2012-28]

Should the GRHC discover that a member of an assisted household was subject to a lifetime registration requirement at admission and was erroneously admitted after June 25, 2001, the GRHC will immediately terminate assistance for the household member.

In this situation, the GRHC will offer the family the opportunity to remove the ineligible family member from the household. If the family is unwilling to remove that individual from the household, the GRHC will terminate assistance for the household.

Failure of Students to Meet Ongoing Eligibility Requirements [24 CFR 982.552(b)(5) and FR 4/10/06]

If a student enrolled at an institution of higher education is under the age of 24, is not a veteran, is not married, does not have dependent children, is not residing with his/her parents in an HCV assisted household, and is not a person with disabilities receiving HCV assistance as of November 30, 2005, the GRHC will terminate the student's assistance if, at the time of reexamination, either the student's income or the income of the student's parents (if applicable) exceeds the applicable income limit.

If a participant household consists of both eligible and ineligible students, the eligible students shall not be terminated, but must be issued a voucher to move with continued assistance in accordance with program regulations and GRHC policies, or must be given the opportunity to lease in place if the terminated ineligible student members elect to move out of the assisted unit.

Death of the Sole Family Member [24 CFR 982.311(d) and Notice PIH 2010-9]

The GRHC will immediately terminate program assistance for deceased single member households.

12-I.E. MANDATORY POLICIES AND OTHER AUTHORIZED TERMINATIONS

Mandatory Policies [24 CFR 982.553(b) and 982.551(l)]

Use of Illegal Drugs and Alcohol Abuse

The GRHC will terminate a family's assistance if any household member is currently engaged in any illegal use of a drug, or has a pattern of illegal drug use that interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.

The GRHC will terminate assistance if any household member's abuse or pattern of abuse of alcohol threatens the health, safety, or right to peaceful enjoyment of the premises by other residents.

Currently engaged in is defined as any use of illegal drugs during the previous three months.

The GRHC will consider all credible evidence, including but not limited to, any record of arrests, convictions, or eviction of household members related to the use of illegal drugs or abuse of alcohol.

A record or records of arrest will not be used as the sole basis for the termination or proof that the participant engaged in disqualifying criminal activity.

In making its decision to terminate assistance, the GRHC will consider alternatives as described in Section 12-II.C and other factors described in Sections 12-II.D and 12-II.E. Upon consideration of such alternatives and factors, the PHA may, on a case-by-case basis, choose not to terminate assistance.

Drug-Related and Violent Criminal Activity [24 CFR 5.100]

Drug means a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).

Drug-related criminal activity is defined by HUD as the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug.

Violent criminal activity means any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage.

The GRHC will terminate a family's assistance if any household member has violated the family's obligation not to engage in any drug-related or violent criminal activity during participation in the HCV program.

The GRHC will consider all credible evidence, including but not limited to, any record of arrests and/or convictions of household members related to drug-related or violent criminal activity, and any eviction or notice to evict based on drug-related or violent criminal activity.

A record or records of arrest will not be used as the sole basis for the termination or proof that the participant engaged in disqualifying criminal activity.

In making its decision to terminate assistance, the GRHC will consider alternatives as described in Section 12-II.C and other factors described in Sections 12-II.D and 12-II.E. Upon consideration of such alternatives and factors, the GRHC may, on a case-by-case basis, choose not to terminate assistance.

Other Authorized Reasons for Termination of Assistance [24 CFR 982.552(c), 24 CFR 5.2005(c)]

The GRHC will not terminate a family's assistance because of the family's failure to meet its obligations under the Family Self-Sufficiency program.

The GRHC will terminate a family's assistance if:

- The family has failed to comply with any family obligations under the program. See Exhibit 12-1 for a listing of family obligations and related GRHC policies.
- Any family member has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program.
- The family currently owes rent or other amounts to any federally assisted housing in connection with Section 8 or public housing assistance under the 1937 Act.
 - The family has not reimbursed any PHA for amounts the PHA paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.
 - The family has breached the terms of a repayment agreement entered into with the GRHC.

- A family member has engaged in or threatened violent or abusive behavior toward GRHC personnel.
 - Abusive or violent behavior towards GRHC personnel includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior. Threatening refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.

In making its decision to terminate assistance, the GRHC will consider alternatives as described in Section 12-II.C and other factors described in Sections 12-II.D and 12-II.E. Upon consideration of such alternatives and factors, the GRHC may, on a case-by-case basis, choose not to terminate assistance.

Family Absence from the Unit [24 CFR 982.312]

If the family is absent from the unit for more than 180 consecutive calendar days, the family's assistance will be terminated. Notice of termination will be sent in accordance with Section 12-II.F.

Insufficient Funding [24 CFR 982.454]

The GRHC will determine whether there is sufficient funding to pay for currently assisted families according to the policies in Part VIII of Chapter 16. If the GRHC determines there is a shortage of funding, prior to terminating any HAP contracts, the GRHC will determine if any other actions can be taken to reduce program costs.

In the event that the GRHC decides to stop issuing vouchers as a result of a funding shortfall, and the GRHC is not assisting the required number of special purpose vouchers (NED families, HUD-Veterans Affairs Supportive Housing (VASH) families, and family unification program (FUP) families), when the GRHC resumes issuing vouchers, the PHA will issue vouchers first to the special purpose voucher families on its waiting list until it has reached the required number of special purpose vouchers, when applicable.

If after implementing all reasonable cost cutting measures there is not enough funding available to provide continued assistance for current participants, the GRHC will terminate HAP contracts as a last resort.

Prior to terminating any HAP contracts, the GRHC will inform the local HUD field office. The GRHC will terminate the minimum number needed in order to reduce HAP costs to a level within the GRHC's annual budget authority.

If the GRHC must terminate HAP contracts due to insufficient funding, families comprising the required number of special purpose vouchers, including nonelderly disabled (NED), HUD-Veteran's Affairs Supportive Housing (HUD-VASH), and family unification program (FUP) will be the last to be terminated.

PART II: APPROACH TO TERMINATION OF ASSISTANCE

12-II.A. OVERVIEW

The GRHC is required by regulation to terminate a family's assistance for certain actions or inactions of the family. For other types of actions or inactions of the family, the regulations give the GRHC the authority to either terminate the family's assistance or to take another action. This part discusses the various actions the GRHC may choose to take when it has discretion, and outlines the criteria the GRHC will use to make its decision about whether or not to terminate assistance. It also specifies the requirements for the notification to the family of the GRHC's intent to terminate assistance.

12-II.B. METHOD OF TERMINATION [24 CFR 982.552(a)(3)]

Termination of assistance for a participant may include any or all of the following:

- Terminating housing assistance payments under a current HAP contract,
- Refusing to enter into a new HAP contract or approve a lease, or
- Refusing to process a request for or to provide assistance under portability procedures.

12-II.C. ALTERNATIVES TO TERMINATION OF ASSISTANCE

Change in Household Composition

As a condition of continued assistance, the GRHC will require that any household member who participated in or was responsible for an offense no longer resides in the unit [24 CFR 982.552(c)(2)(ii)]. The family must present evidence of the former family member's current address upon GRHC request.

Repayment of Family Debts

If a family owes amounts to the GRHC, as a condition of continued assistance, the PHA will require the family to repay the full amount or to enter into a repayment agreement, within 30 calendar days of receiving notice from the GRHC of the amount owed. See Chapter 16 for policies on repayment agreements.

12-II.D. CRITERIA FOR DECIDING TO TERMINATE ASSISTANCE

Evidence

The GRHC will use the concept of the preponderance of the evidence as the standard for making all termination decisions.

Preponderance of the evidence is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence

Use of Criminal Conviction Records after Admission [24 CFR 5.903]

The regulation at 24 CFR 5.903 governs a GRHC's access to and use of criminal conviction records obtained from a "law enforcement agency" such as the National Crime Information Center (NCIC), police departments, and other law enforcement agencies that hold criminal conviction records. While the GRHC has regulatory authority to use criminal conviction records for the purpose of applicant screening for admission, there is no corresponding authority to use these records to check for criminal and illegal drug activity by participants, and therefore, the GRHC will not use records for this purpose. The limitations, however, do not apply to criminal conviction information searches from non-federal sources (i.e., sources other than the "law enforcement agencies" defined in 24 CFR 5.902(b)). There is no prohibition that bars a GRHC from using non-federal sources to conduct criminal background checks of program participants.

Consideration of Circumstances [24 CFR 982.552(c)(2)(i)]

The GRHC will consider the following facts and circumstances when making its decision to terminate assistance:

- The seriousness of the case, especially with respect to how it would affect other residents' safety or property
- The effects that termination of assistance may have on other members of the family who were not involved in the action or failure to act
- The extent of participation or culpability of individual family members, including whether the culpable family member is a minor or a person with disabilities or (as discussed further in section 12-II.E) a victim of domestic violence, dating violence, sexual assault or stalking
- The length of time since the violation occurred, including the age of the individual at the time of the conduct, as well as the family's recent history and the likelihood of favorable conduct in the future
- While a record or records of arrest will not be used as the sole basis for termination, an arrest may, however, trigger an investigation to determine whether the participant actually engaged in disqualifying criminal activity. As part of its investigation, the GRHC may obtain the police report associated with the arrest and consider the reported circumstances of the arrest. The GRHC may also consider:
 - Any statements made by witnesses or the participant not included in the police report
 - Whether criminal charges were filed
 - Whether, if filed, criminal charges were abandoned, dismissed, not prosecuted, or ultimately resulted in an acquittal
 - Any other evidence relevant to determining whether or not the participant engaged in disqualifying activity
 - Evidence of criminal conduct will be considered if it indicates a demonstrable risk to safety and/or property
- In the case of drug or alcohol abuse, whether the culpable household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program or has otherwise been rehabilitated successfully

- The GRHC will require the participant to submit evidence of the household member's current participation in or successful completion of a supervised drug or alcohol rehabilitation program, or evidence of otherwise having been rehabilitated successfully.
- In the case of program abuse, the dollar amount of the overpaid assistance and whether or not a false certification was signed by the family

Reasonable Accommodation [24 CFR 982.552(c)(2)(iv)]

If the family includes a person with disabilities, the GRHC's decision to terminate the family's assistance is subject to consideration of reasonable accommodation in accordance with 24 CFR Part 8.

If a family indicates that the behavior of a family member with a disability is the reason for a proposed termination of assistance, the GRHC will determine whether the behavior is related to the disability. If so, upon the family's request, the GRHC will determine whether alternative measures are appropriate as a reasonable accommodation. The GRHC will only consider accommodations that can reasonably be expected to address the behavior that is the basis of the proposed termination of assistance. See Chapter 2 for a discussion of reasonable accommodation.

12-II.E. TERMINATIONS RELATED TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT OR STALKING

This section describes the protections against termination of assistance that the Violence against Women Act of 2013 (VAWA) provides for victims of domestic violence, dating violence, sexual assault and stalking. For general VAWA requirements, key VAWA definitions, and PHA policies pertaining to notification, documentation, and confidentiality, see section 16-IX of this plan.

VAWA Protections against Termination

VAWA provides four specific protections against termination of HCV assistance for victims of domestic violence, dating violence, sexual assault or stalking. (*Note:* The second, third, and fourth protections also apply to terminations of tenancy or occupancy by owners participating in the HCV program, as do the limitations discussed under the next heading.)

First, VAWA provides that the GRHC will not terminate assistance to a family that moves out of an assisted unit in violation of the lease, with or without prior notification to the GRHC, if the move occurred to protect the health or safety of a family member who is or has been the victim of domestic violence, dating violence, sexual assault or stalking and who reasonably believed he or she was imminently threatened by harm from further violence if he or she remained in the unit [24 CFR 982.354(b)(4)].

Second, it provides that an incident or incidents of actual or threatened domestic violence, dating violence, sexual assault or stalking may not be construed either as a serious or repeated lease violation by the victim or as good cause to terminate the assistance of the victim [24 CFR 5.2005(c)(1)].

Third, it provides that criminal activity directly related to domestic violence, dating violence, sexual assault or stalking may not be construed as cause for terminating the assistance of a tenant if a member of the tenant's household, a guest, or another person under the tenant's control is the

one engaging in the criminal activity and the tenant or affiliated individual or other individual is the actual or threatened victim of the domestic violence, dating violence, or stalking [24 CFR 5.2005(c)(2)].

Fourth, it gives the GRHC the authority to terminate assistance to any tenant or lawful occupant who engages in criminal acts of physical violence against family members or others without terminating assistance to, or otherwise penalizing, the victim of the violence [24 CFR 5.2009(a)].

Limitations on VAWA Protections [24 CFR 5.2005(d) and (e)]

VAWA does not limit the authority of a GRHC to terminate the assistance of a victim of abuse for reasons unrelated to domestic violence, dating violence, sexual assault or stalking so long as the GRHC does not subject the victim to a more demanding standard than it applies to other program participants [24 CFR 5.2005(d)(1)].

Likewise, VAWA does not limit the authority of the GRHC to terminate the assistance of a victim of domestic violence, dating violence, sexual assault or stalking if the GRHC can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the assisted property if the victim is not terminated from assistance [24 CFR 5.2005(d)(2)].

HUD regulations define *actual and imminent threat* to mean words, gestures, actions, or other indicators of a physical threat that (a) is real, (b) would occur within an immediate time frame, and (c) could result in death or serious bodily harm [24 CFR 5.2005(d)(2) and (e)]. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include:

- The duration of the risk
- The nature and severity of the potential harm
- The likelihood that the potential harm will occur
- The length of time before the potential harm would occur [24 CFR 5.2005(e)]

In determining whether a program participant who is a victim of domestic violence, dating violence, sexual assault or stalking is an actual and imminent threat to other tenants or those employed at or providing service to a property, the GRHC will consider the following, and any other relevant, factors:

- Whether the threat is toward an employee or tenant other than the victim of domestic violence, dating violence, sexual assault or stalking
- Whether the threat is a physical danger beyond a speculative threat
- Whether the threat is likely to happen within an immediate time frame
- Whether the threat to other tenants or employees can be eliminated in some other way, such as by helping the victim relocate to a confidential location or seeking a legal remedy to prevent the perpetrator from acting on the threat

If the participant wishes to contest the GRHC's determination that he or she is an actual and imminent threat to other tenants or employees, the participant may do so as part of the informal hearing.

Documentation of Abuse [24 CFR 5.2007]

When an individual facing termination of assistance for reasons related to domestic violence, dating violence, sexual assault or stalking claims protection under VAWA, the GRHC will request that the individual provide documentation supporting the claim in accordance with the policies in section 16-IX.D of this plan.

The GRHC reserves the right to waive the documentation requirement if it determines that a statement or other corroborating evidence from the individual will suffice. In such cases the GRHC will document the waiver in the individual's file.

Terminating the Assistance of a Domestic Violence Perpetrator

Although VAWA provides protection against termination of assistance for victims of domestic violence, it does not provide such protection for perpetrators. VAWA gives the GRHC the explicit authority to “terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others” without terminating assistance to “or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant” [24 CFR 5.2009(a)]. This authority is not dependent on a bifurcated lease or other eviction action by an owner against an individual family member. Further, this authority supersedes any local, state, or other federal law to the contrary. However, if the GRHC chooses to exercise this authority, it must follow any procedures prescribed by HUD or by applicable local, state, or federal law regarding termination of assistance. This means that the GRHC will follow the same rules when terminating assistance to an individual as it would when terminating the assistance of an entire family [3/16/07 *Federal Register* notice on the applicability of VAWA to HUD programs].

If the perpetrator remains in the unit, the GRHC continues to pay the owner until the GRHC terminates the perpetrator from the program. The GRHC will not stop paying HAP until 30 days after the owner bifurcates the lease to evict the perpetrator. The GRHC will pay HAP for the full month if the 30-day period will end mid-month [Notice PIH 2017-08].

If the perpetrator is the only participant eligible to receive assistance, the GRHC will provide any remaining participant a chance to establish eligibility for the program. If the remaining participant cannot do so, the GRHC will provide them with 30 days to establish eligibility for another housing program prior to termination of the HAP contract.

The GRHC will terminate assistance to a family member if the PHA determines that the family member has committed criminal acts of physical violence against other family members or others. This action will not affect the assistance of the remaining, nonculpable family members.

In making its decision, the GRHC will consider all credible evidence, including, but not limited to, a signed certification (form HUD-5382) or other documentation of abuse submitted to the GRHC by the victim in accordance with this section and section 16-IX.D. The GRHC will also consider the factors in section 12-II.D. Upon such consideration, the GRHC may, on a case-by-case basis, choose not to terminate the assistance of the culpable family member.

If the GRHC does terminate the assistance of the culpable family member, it will do so in accordance with applicable law, HUD regulations, and the policies in this plan.

12-II.F. TERMINATION NOTICE

Whenever a family's assistance will be terminated, the GRHC will send a written notice of termination to the family and to the owner. The GRHC will also send a form HUD-5382 and form HUD-5380 to the family with the termination notice. The notice will state the date on which the termination will become effective. This date generally will be at least 30 calendar days following the date of the termination notice, but exceptions will be made whenever HUD rules, other GRHC policies, or the circumstances surrounding the termination require.

When the GRHC notifies an owner that a family's assistance will be terminated, the GRHC will, if appropriate, advise the owner of his/her right to offer the family a separate, unassisted lease.

If a family whose assistance is being terminated is entitled to an informal hearing, the notice of termination that the GRHC sends to the family must meet the additional HUD and GRHC notice requirements discussed in section 16-III.C of this plan. VAWA 2013 expands notification requirements to require GRHCs to provide notice of VAWA rights and the HUD 5382 form when a GRHC terminates a household's housing benefits.

Whenever the GRHC decides to terminate a family's assistance because of the family's action or failure to act, the GRHC will include in its termination notice the VAWA information described in section 16-IX.C of this plan and a form HUD-5382 and form HUD-5380. The PHA will request in writing that a family member wishing to claim protection under VAWA notify the PHA within 14 business days.

Still other notice requirements apply in two situations:

- If a criminal record is the basis of a family's termination, the PHA must provide a copy of the record to the subject of the record and the tenant so that they have an opportunity to dispute the accuracy and relevance of the record [24 CFR 982.553(d)(2)].
- If immigration status is the basis of a family's termination, as discussed in section 12-I.D, the special notice requirements in section 16-III.D must be followed.

PART III: TERMINATION OF TENANCY BY THE OWNER

12-III.A. OVERVIEW

Termination of an assisted tenancy is a matter between the owner and the family; the GRHC is not directly involved. However, the owner is under some constraints when terminating an assisted tenancy. Termination of tenancy for certain reasons will also result in termination of assistance as discussed in this section.

12-III.B. GROUNDS FOR OWNER TERMINATION OF TENANCY [24 CFR 982.310, 24 CFR 5.2005(c), and Form HUD-52641-A, Tenancy Addendum]

During the term of the lease, the owner is not permitted to terminate the tenancy except for serious or repeated violations of the lease, certain violations of state or local law, or other good cause.

Serious or Repeated Lease Violations

The owner is permitted to terminate the family's tenancy for serious or repeated violations of the terms and conditions of the lease, except when the violations are related to incidents of actual or threatened domestic violence, dating violence, sexual assault or stalking and the victim is protected from eviction by the Violence against Women Act of 2013 (see section 12-II.E). A serious lease violation includes failure to pay rent or other amounts due under the lease. However, the GRHC's failure to make a HAP payment to the owner is not a violation of the lease between the family and the owner.

Violation of Federal, State, or Local Law

The owner is permitted to terminate the tenancy if a family member violates federal, state, or local law that imposes obligations in connection with the occupancy or use of the premises.

Criminal Activity or Alcohol Abuse

The owner may terminate tenancy during the term of the lease if any *covered person*—meaning any member of the household, a guest, or another person under the tenant's control—commits any of the following types of criminal activity (for applicable definitions see 24 CFR 5.100):

- Any criminal activity that threatens the health or safety of, or the right to peaceful enjoyment of the premises by, other residents (including property management staff residing on the premises)
- Any criminal activity that threatens the health or safety of, or the right to peaceful enjoyment of their residences by, persons residing in the immediate vicinity of the premises
- Any violent criminal activity on or near the premises
- Any drug-related criminal activity on or near the premises

However, in the case of criminal activity directly related to domestic violence, dating violence, sexual assault or stalking, if the tenant or an affiliated individual is the victim, the criminal activity may not be construed as cause for terminating the victim's tenancy (see section 12-II.E).

The owner may terminate tenancy during the term of the lease if any member of the household is:

- Fleeing to avoid prosecution, custody, or confinement after conviction for a crime or an attempt to commit a crime that is a felony under the laws of the place from which the individual flees, or that, in the case of the State of New Jersey, is a high misdemeanor; or
- Violating a condition of probation or parole imposed under federal or state law.

The owner may terminate tenancy during the term of the lease if any member of the household has engaged in abuse of alcohol that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents.

Evidence of Criminal Activity

The owner may terminate tenancy and evict by judicial action a family for criminal activity by a covered person if the owner determines the covered person has engaged in the criminal activity, regardless of whether the covered person has been arrested or convicted for such activity and without satisfying the standard of proof used for a criminal conviction. This is the case except in certain incidents where the criminal activity directly relates to domestic violence, dating violence, sexual assault, or stalking, and the tenant or an affiliated individual is the victim or threatened victim of the domestic violence, dating violence, sexual assault, or stalking.

Other Good Cause

During the initial lease term, the owner may not terminate the tenancy for “other good cause” unless the owner is terminating the tenancy because of something the family did or failed to do. During the initial lease term or during any extension term, other good cause includes the disturbance of neighbors, destruction of property, or living or housekeeping habits that cause damage to the unit or premises.

After the initial lease term, “other good cause” for termination of tenancy by the owner includes:

- Failure by the family to accept the offer of a new lease or revision
- The owner’s desire to use the unit for personal or family use, or for a purpose other than as a residential rental unit
- A business or economic reason for termination of the tenancy (such as sale of the property, renovation of the unit, or desire to lease the unit at a higher rent)

After the initial lease term, the owner may give the family notice at any time, in accordance with the terms of the lease.

If a property is subject to foreclosure, during the term of the lease, the new owner of the property does not have good cause to terminate the tenant’s lease, unless the new owner will occupy the unit as their primary residence and has provided the tenant with at least a 90-day notice. In that case, the lease may be terminated effective on the date of sale, although the tenant is still entitled to a 90-day notice to vacate. See Section 13-II.G for a discussion of GRHC policies relating to units in foreclosure.

12-III.C. EVICTION [24 CFR 982.310(e) and (f) and Form HUD-52641-A, Tenancy Addendum]

The owner must give the tenant a written notice that specifies the grounds for termination of tenancy during the term of the lease. The tenancy does not terminate before the owner has given this notice, and the notice must be given at or before commencement of the eviction action.

The notice of grounds may be included in, or may be combined with, any owner eviction notice to the tenant.

Owner eviction notice means a notice to vacate, or a complaint or other initial pleading used under state or local law to commence an eviction action. The owner may only evict the tenant from the unit by instituting a court action. The owner must give the GRHC a copy of any eviction notice at the same time the owner notifies the family. The family is also required to give the GRHC a copy of any eviction notice (see Chapter 5), but no later than 7 calendar days following the court-ordered eviction.

12-III.D. DECIDING WHETHER TO TERMINATE TENANCY [24 CFR 982.310(h), 24 CFR 982.310(h)(4)]

An owner who has grounds to terminate a tenancy is not required to do so, and may consider all of the circumstances relevant to a particular case before making a decision. These might include:

- The nature of the offending action
- The seriousness of the offending action;
- The effect on the community of the termination, or of the owner's failure to terminate the tenancy;
- The extent of participation by the leaseholder in the offending action;
- The effect of termination of tenancy on household members not involved in the offending activity;
- The demand for assisted housing by families who will adhere to lease responsibilities;
- The extent to which the leaseholder has shown personal responsibility and taken all reasonable steps to prevent or mitigate the offending action;
- The effect of the owner's action on the integrity of the program.

The owner may require a family to exclude a household member in order to continue to reside in the assisted unit, where that household member has participated in or been culpable for action or failure to act that warrants termination.

In determining whether to terminate tenancy for illegal use of drugs or alcohol abuse by a household member who is no longer engaged in such behavior, the owner may consider whether such household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program, or has otherwise been rehabilitated successfully (42 U.S.C. 13661). For this purpose, the owner may require the tenant to submit evidence of the household member's current participation in, or successful completion of, a supervised drug or alcohol rehabilitation program or evidence of otherwise having been rehabilitated successfully.

The owner's termination of tenancy actions must be consistent with the fair housing and equal opportunity provisions in 24 CFR 5.105.

An owner's decision to terminate tenancy for incidents related to domestic violence, dating violence, sexual assault or stalking is limited by the Violence against Women Act of 2013 (VAWA) and the conforming regulations in 24 CFR Part 5, Subpart L. (See section 12-II.E.)

12-III.E. EFFECT OF TENANCY TERMINATION ON THE FAMILY'S ASSISTANCE

If a termination is not due to a serious or repeated violation of the lease, and if the PHA has no other grounds for termination of assistance, the GRHC may issue a new voucher so that the family can move with continued assistance (see Chapter 10).

EXHIBIT 12-1: STATEMENT OF FAMILY OBLIGATIONS

Following is a listing of a participant family's obligations under the HCV program:

- The family must supply any information that the GRHC or HUD determines to be necessary, including submission of required evidence of citizenship or eligible immigration status.
- The family must supply any information requested by the GRHC or HUD for use in a regularly scheduled reexamination or interim reexamination of family income and composition.
- The family must disclose and verify social security numbers and sign and submit consent forms for obtaining information.
- Any information supplied by the family must be true and complete.
- The family is responsible for any Housing Quality Standards (HQS) breach by the family caused by failure to pay tenant-provided utilities or appliances, or damages to the dwelling unit or premises beyond normal wear and tear caused by any member of the household or guest.
 - Damages beyond normal wear and tear will be considered to be damages which could be assessed against the security deposit.
- The family must allow the GRHC to inspect the unit at reasonable times and after reasonable notice, as described in Chapter 8 of this plan.
- The family must not commit any serious or repeated violation of the lease.
 - The GRHC will determine if a family has committed serious or repeated violations of the lease based on available evidence, including but not limited to, a court-ordered eviction or an owner's notice to evict, police reports, and affidavits from the owner, neighbors, or other credible parties with direct knowledge.
 - *Serious and repeated lease violations* will include, but not be limited to, nonpayment of rent, disturbance of neighbors, destruction of property, living or housekeeping habits that cause damage to the unit or premises, and criminal activity. Generally, the criterion to be used will be whether or not the reason for the eviction was the fault of the tenant or guests. Any incidents of, or criminal activity related to, domestic violence, dating violence, sexual assault or stalking will not be construed as serious or repeated lease violations by the victim [24 CFR 5.2005(c)(1)].
- The family must notify the GRHC and the owner before moving out of the unit or terminating the lease.
 - The family must comply with lease requirements regarding written notice to the owner. The family must provide written notice to the GRHC at the same time the owner is notified.
- The family must promptly give the GRHC a copy of any owner eviction notice.

- The family must use the assisted unit for residence by the family. The unit must be the family's only residence.
- The composition of the assisted family residing in the unit must be approved by the GRHC. The family must promptly notify the GRHC in writing of the birth, adoption, or court-awarded custody of a child. The family must request GRHC approval to add any other family member as an occupant of the unit.
 - The request to add a family member must be submitted in writing and approved prior to the person moving into the unit. The GRHC will determine eligibility of the new member in accordance with the policies in Chapter 3.
- The family must promptly notify the GRHC in writing if any family member no longer lives in the unit.
- If the GRHC has given approval, a foster child or a live-in aide may reside in the unit. The GRHC has the discretion to adopt reasonable policies concerning residency by a foster child or a live-in aide, and to define when GRHC consent may be given or denied. For policies related to the request and approval/disapproval of foster children, foster adults, and live-in aides, see Chapter 3 (Sections I.K and I.M), and Chapter 11 (Section II.B).
- The family must not sublease the unit, assign the lease, or transfer the unit.
 - Subleasing includes receiving payment to cover rent and utility costs by a person living in the unit who is not listed as a family member.
- The family must supply any information requested by the GRHC to verify that the family is living in the unit or information related to family absence from the unit.
- The family must promptly notify the GRHC when the family is absent from the unit.
 - Notice is required under this provision only when all family members will be absent from the unit for an extended period. An extended period is defined as any period greater than 30 calendar days. Written notice must be provided to the GRHC at the start of the extended absence.
- The family must pay utility bills and provide and maintain any appliances that the owner is not required to provide under the lease [Form HUD-52646, Voucher].
- The family must not own or have any interest in the unit, (other than in a cooperative and owners of a manufactured home leasing a manufactured home space).
- Family members must not commit fraud, bribery, or any other corrupt or criminal act in connection with the program. (See Chapter 14, Program Integrity for additional information).

- Family members must not engage in drug-related criminal activity or violent criminal activity or other criminal activity that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises. See Chapter 12 for HUD and GRHC policies related to drug-related and violent criminal activity.
- Members of the household must not engage in abuse of alcohol in a way that threatens the health, safety or right to peaceful enjoyment of the other residents and persons residing in the immediate vicinity of the premises. See Chapter 12 for a discussion of HUD and GRHC policies related to alcohol abuse.
- An assisted family or member of the family must not receive HCV program assistance while receiving another housing subsidy, for the same unit or a different unit under any other federal, state or local housing assistance program.
- A family must not receive HCV program assistance while residing in a unit owned by a parent, child, grandparent, grandchild, sister or brother of any member of the family, unless the GRHC has determined (and has notified the owner and the family of such determination) that approving rental of the unit, notwithstanding such relationship, would provide reasonable accommodation for a family member who is a person with disabilities. [Form HUD-52646, Voucher]

Chapter 13

OWNERS

| | |
|---|----|
| INTRODUCTION | 2 |
| PART I. OWNERS IN THE HCV PROGRAM..... | 3 |
| 13-I.A. OWNER RECRUITMENT AND RETENTION | 3 |
| 13-I.B. BASIC HCV PROGRAM REQUIREMENTS..... | 4 |
| 13-I.C. OWNER RESPONSIBILITIES..... | 5 |
| 13-I.D. OWNER QUALIFICATIONS | 5 |
| PART II. HAP CONTRACTS..... | 9 |
| 13-II.A. OVERVIEW | 9 |
| 13-II.B. HAP CONTRACT CONTENTS..... | 9 |
| 13-II.C. HAP CONTRACT PAYMENTS | 10 |
| 13-II.D. BREACH OF HAP CONTRACT | 12 |
| 13-II.E. HAP CONTRACT TERM AND TERMINATIONS | 12 |
| 13-II.F. CHANGE IN OWNERSHIP / ASSIGNMENT OF THE HAP CONTRACT | 13 |
| 13-II.G. FORECLOSURE..... | 14 |

INTRODUCTION

Owners play a major role in the HCV program by supplying decent, safe, and sanitary housing for participating families.

The term “owner” refers to any person or entity with the legal right to lease or sublease a unit to a participant in the HCV program [24 CFR 982.4(b)]. The term “owner” includes a principal or other interested party [24 CFR 982.453; 24 CFR 982.306(f)], such as a designated agent of the owner.

Owners have numerous responsibilities under the program, including screening and leasing to families, maintaining the dwelling unit, enforcing the lease, and complying with various contractual obligations.

The chapter is organized in two parts:

Part I: Owners in the HCV Program. This part discusses the role of an owner in the GRHC’s HCV program and highlights key owner rights and responsibilities.

Part II: HAP Contracts. This part explains provisions of the HAP contract and the relationship between the GRHC and the owner as expressed in the HAP contract.

For detailed information about HCV program responsibilities and processes, including GRHC policies in key areas, owners will need to refer to several other chapters in this plan. Where appropriate, Chapter 13 will reference the other chapters.

PART I. OWNERS IN THE HCV PROGRAM

13-I.A. OWNER RECRUITMENT AND RETENTION [HCV GB, pp. 2-4 to 2-6; HCV Landlord Strategy Guidebook for PHAs]

Recruitment

The GRHC is responsible for ensuring that very low-income families have access to all types and ranges of affordable housing in the GRHC's jurisdiction, particularly housing outside areas of poverty or minority concentration. A critical element in fulfilling this responsibility is for the GRHC to ensure that a sufficient number of owners, representing all types and ranges of affordable housing in the GRHC's jurisdiction, are willing to participate in the HCV program.

To accomplish this objective, GRHCs must identify and recruit new owners to participate in the program.

If the GRHC will be conducting outreach events, the GRHC must ensure that notices and communications during outreach events are provided in a manner that is effective for persons with hearing, visual, and other communications-related disabilities. The GRHCs will also take reasonable steps to ensure meaningful access to programs to persons with limited English proficiency.

Retention

In addition to recruiting owners to participate in the HCV program, the GRHC will also provide the kind of customer service that will encourage participating owners to remain active in the program.

GRHC MTW Flexibilities

As funding permits, the GRHC in efforts to incentivize and increase landlord participation in its tenant-based assistance programs will further expand its Landlord Incentive program. These incentives assist in the MTW and GRHC goals of increasing housing choice for participants and increasing landlord participation. The incentives are as follows:

- **Monetary Incentives**
 - New landlords receive \$1,000 dollars after an executed HAP contract.
 - Returning landlords that have not signed a HAP contract for more than 12 months; receive \$1,000 after an executed HAP contract.
 - Current participating landlords, receive \$500 per new unit that has an executed HAP contract, up to a three (3) unit maximum.
 - A referral bonus of \$200 to current participating landlords for each new landlord that executes a HAP contract. Limited to up to 5 Referrals.
 - Vacancy Claims (One (1) month of Contract Rent)
 - The GRHC will offer a vacancy loss payment worth one (1) month's contract rent, payable upon execution of a new HAP contract with the GRHC. If the unit is vacant for less than a full month, the payments will be prorated based on the number of days the unit is vacant.
- **Non-monetary Incentives:** Landlord portal Landlord workshops and outreach/flyers – for current and new landlords, Streamlining the inspection process - using reminder software specific automations, and a landlord liaison - streamlining the landlord's on-boarding process and serve as a single point of contact.

13-I.B. BASIC HCV PROGRAM REQUIREMENTS

The GRHC will assist families in their housing search by referring them to an online database of available units in the community, in which participating landlords are encouraged to advertise available units. The GRHC will pursue all means that provide information about available units, throughout its jurisdiction.

When a family approaches an owner to apply for tenancy, the owner is responsible for screening the family and deciding whether to lease to the family, just as the owner would with any potential unassisted tenant. The GRHC has no liability or responsibility to the owner or other persons for the family's behavior or suitability for tenancy. See chapters 3 and 9 for more detail on tenant family screening policies and process.

If the owner is willing, the family and the owner must jointly complete a Request for Tenancy Approval (RTA, Form HUD 52517), which constitutes the family's request for assistance in the specified unit, and which documents the owner's willingness to lease to the family and to follow the program's requirements. When submitted to the GRHC, this document is the first step in the process of obtaining approval for the family to receive the financial assistance it will need in order to occupy the unit. Also submitted with the RTA is a copy of the owner's proposed dwelling lease, including the HUD-required Tenancy Addendum (Form HUD-52641-A). See Chapter 9 for more detail on request for tenancy approval policies and process.

HUD regulations stipulate requirements for the approval of an assisted tenancy.

The owner must be qualified to participate in the program [24 CFR 982.306]. Some owners are precluded from participating in the program, or from renting to a particular family, either because of their past history with this or another federal housing program, or because of certain conflicts of interest. Owner qualifications are discussed later in this chapter.

The selected unit must be of a type that is eligible for the program [24 CFR 982.305(a)]. Certain types of dwelling units cannot be assisted under the HCV program. Other types may be assisted under certain conditions. See chapter 9 for more detail on unit eligibility policies and process.

The selected unit must meet HUD's Housing Quality Standards (HQS) and/or equivalent state or local standards approved by HUD [24 CFR 982.305(a)]. The GRHC will inspect the owner's dwelling unit at least biennial to ensure that the unit continues to meet HQS requirements. See chapter 8 for a discussion of the HQS standards and policies for HQS inspections at initial lease-up and throughout the family's tenancy.

The GRHC will determine that the proposed rent for the unit is reasonable [24 CFR 982.305(a)]. The rent must be reasonable in relation to comparable unassisted units in the area and must not be in excess of rents charged by the owner for comparable, unassisted units on the premises. See chapter 8 for a discussion of requirements and policies on rent reasonableness, rent comparability and the rent reasonableness determination process.

At initial lease-up of a unit, if the gross rent exceeds the applicable payment standard, the GRHC will ensure that the family share does not exceed 40 percent of the family's monthly adjusted income [24 CFR 982.305(a)]. See chapter 6 for a discussion of the calculation of family income, family share of rent and HAP.

The dwelling lease must comply with all program requirements [24 CFR 982.308]. Owners are encouraged to use their standard leases when renting to an assisted family. The HUD Tenancy

Addendum includes the HUD requirements governing the tenancy and must be added word-for-word to the owner's lease. See chapter 9 for a discussion of the dwelling lease and tenancy addendum, including lease terms and provisions.

The GRHC and the owner will execute a Housing Assistance Payment (HAP) Contract (Form HUD-52641). The HAP contract format is prescribed by HUD. See chapter 9 for a discussion of the HUD requirements for execution of the HAP contract.

13-I.C. OWNER RESPONSIBILITIES [24 CFR 982.452]

The basic owner responsibilities in the HCV program are outlined in the regulations as follows:

- Complying with all of the owner's obligations under the housing assistance payments (HAP) contract and the lease
- Performing all management and rental functions for the assisted unit, including selecting a voucher-holder to lease the unit, and deciding if the family is suitable for tenancy of the unit
- Maintaining the unit in accordance with the Housing Quality Standards (HQS), including performance of ordinary and extraordinary maintenance
- Complying with equal opportunity requirements
- Preparing and furnishing to the GRHC information required under the HAP contract
- Collecting the security deposit, the tenant rent, and any charges for unit damage by the family.
- Enforcing tenant obligations under the dwelling lease
- Paying for utilities and services that are not the responsibility of the family as specified in the lease
- Allowing reasonable modifications to a dwelling unit occupied or to be occupied by a disabled person [24 CFR 100.203]
- Complying with the Violence against Women Reauthorization Act of 2013 (VAWA) when screening prospective HCV tenants or terminating the tenancy of an HCV family (see 24 CFR Part 5, Subpart L; 24 CFR 982.310(h)(4); and 24 CFR 982.452(b)(1))

13-I.D. OWNER QUALIFICATIONS

The GRHC does not formally approve an owner to participate in the HCV program. However, there are a number of criteria where the GRHC may deny approval of an assisted tenancy based on past owner behavior, conflict of interest, or other owner-related issues. No owner has a right to participate in the HCV program [24 CFR 982.306(e)].

Owners Barred from Participation [24 CFR 982.306(a) and (b)]

The GRHC must not approve the assisted tenancy if the GRHC has been informed that the owner has been debarred, suspended, or subject to a limited denial of participation under 24 CFR part 24. HUD may direct the GRHC not to approve a tenancy request if a court or administrative agency has determined that the owner violated the Fair Housing Act or other federal equal opportunity requirements, or if such an action is pending.

Leasing to Relatives [24 CFR 982.306(d), HCV GB p. 11-2]

The GRHC must not approve a tenancy if the owner is the parent, child, grandparent, grandchild, sister, or brother of any member of the family. The GRHC will make an exception as a reasonable accommodation for a family member with a disability. The owner is required to certify that no such relationship exists. This restriction applies at the time that the family receives assistance under the HCV program for occupancy of a particular unit. Current contracts on behalf of owners and families that are related may continue, but any new leases or contracts for these families may not be approved.

Conflict of Interest [24 CFR 982.161; HCV GB p. 8-19]

The GRHC will not approve a tenancy in which any of the following classes of persons has any interest, direct or indirect, during tenure or for one year thereafter:

- Any present or former member or officer of the GRHC (except a participant commissioner)
- Any employee of the GRHC, or any contractor, subcontractor or agent of the GRHC, who formulates policy or who influences decisions with respect to the programs
- Any public official, member of a governing body, or State or local legislator, who exercises functions or responsibilities with respect to the programs
- Any member of the Congress of the United States

HUD may waive the conflict of interest requirements, except for members of Congress, for good cause. The GRHC will submit a waiver request to the appropriate HUD Field Office for determination.

Any waiver request submitted by the GRHC will include the following [HCV Guidebook pp.11-2 and 11-3]:

- Complete statement of the facts of the case;
- Analysis of the specific conflict of interest provision of the HAP contract and justification as to why the provision should be waived;
- Analysis of and statement of consistency with state and local laws. The local HUD office, the GRHC, or both parties may conduct this analysis. Where appropriate, an opinion by the state's attorney general should be obtained;
- Opinion by the local HUD office as to whether there would be an appearance of impropriety if the waiver were granted;
- Statement regarding alternative existing housing available for lease under the HCV program or other assisted housing if the waiver is denied;
- If the case involves a hardship for a particular family, statement of the circumstances and discussion of possible alternatives;
- If the case involves a public official or member of the governing body, explanation of his/her duties under state or local law, including reference to any responsibilities involving the HCV program;

- If the case involves employment of a family member by the GRHC or assistance under the HCV program for an eligible GRHC employee, explanation of the responsibilities and duties of the position, including any related to the HCV program;
- If the case involves an investment on the part of a member, officer, or employee of the GRHC, description of the nature of the investment, including disclosure/divestiture plans.

Where the GRHC has requested a conflict of interest waiver, the GRHC may not execute the HAP contract until HUD has made a decision on the waiver request.

In considering whether to request a conflict of interest waiver from HUD, the GRHC will consider certain factors such as consistency of the waiver with state and local laws, the existence of alternative housing available to families, the individual circumstances of a particular family, the specific duties of individuals whose positions present a possible conflict of interest, the nature of any financial investment in the property and plans for disclosure/divestiture, and the possible appearance of impropriety.

Owner Actions That May Result in Disapproval of a Tenancy Request [24 CFR 982.306(c)]

HUD regulations permit the GRHC to disapprove a request for tenancy for various actions and inactions of the owner.

If the GRHC disapproves a request for tenancy because an owner is not qualified, it may not terminate the HAP contract for any assisted families that are already living in the owner's properties unless the owner has violated the HAP contract for those units [HCV GB p. 11-4].

The GRHC will refuse to approve a request for tenancy if the GRHC becomes aware that any of the following are true:

- The owner has violated obligations under a HAP contract under Section 8 of the 1937 Act (42 U.S.C. 1437f);
- The owner has committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program;
- The owner has engaged in any drug-related criminal activity or any violent criminal activity;
- The owner has a history or practice of non-compliance with the HQS for units leased under the tenant-based programs, or with applicable housing standards for units leased with project-based Section 8 assistance or leased under any other federal housing program;
- The owner has a history or practice of failing to terminate tenancy of tenants of units assisted under Section 8 or any other federally assisted housing program for activity engaged in by the tenant, any member of the household, a guest or another person under the control of any member of the household that: (i) Threatens the right to peaceful enjoyment of the premises by other residents; (ii) Threatens the health or safety of other residents, of employees of the GRHC, or of owner employees or other persons engaged in management of the housing; (iii) Threatens the health or safety of, or the right to peaceful enjoyment of their residences, by persons residing in the immediate vicinity of the premises; or (iv) Is drug-related criminal activity or violent criminal activity;
- The owner has a history or practice of renting units that fail to meet state or local housing codes; or

- The owner has not paid state or local real estate taxes, fines, or assessment.

In considering whether to disapprove owners for any of the discretionary reasons listed above, the GRHC will consider any mitigating factors. Such factors may include, but are not limited to, the seriousness of the violation in relation to program requirements, the impact on the ability of families to lease units under the program, health and safety of participating families, among others. Upon consideration of such circumstances, the GRHC may, on a case-by-case basis, choose to approve an owner.

Legal Ownership of Unit

The GRHC will only enter into a contractual relationship with the legal owner of a qualified unit. No tenancy will be approved without acceptable documentation of legal ownership (e.g., deed of trust, proof of taxes for most recent year).

13-I.E. NON-DISCRIMINATION [HAP Contract – Form HUD-52641]

The owner must not discriminate against any person because of race, color, religion, sex, national origin, age, familial status, or disability, in connection with any actions or responsibilities under the HCV program and the HAP contract with the GRHC.

The owner must cooperate with the GRHC and with HUD in conducting any equal opportunity compliance reviews and complaint investigations in connection with the HCV program and the HAP contract with the GRHC.

See Chapter 2 for a more thorough discussion of Fair Housing and Equal Opportunity requirements in the HCV program.

PART II. HAP CONTRACTS

13-II.A. OVERVIEW

The HAP contract represents a written agreement between the GRHC and the owner of the dwelling unit occupied by a HCV assisted family. The contract spells out the owner's responsibilities under the program, as well as the GRHC's obligations. Under the HAP contract, the GRHC agrees to make housing assistance payments to the owner on behalf of the family approved by the GRHC to occupy the unit.

The HAP contract is used for all HCV program tenancies except for assistance under the Section 8 homeownership program, and assistance to families that own a manufactured home and use their assistance to lease the space for the manufactured home. See chapter 15 for a discussion of any special housing types included in the GRHC's HCV program.

When the GRHC has determined that the unit meets program requirements and the tenancy is approvable, the GRHC and owner will execute the HAP contract. See chapter 9 for a discussion of the leasing process, including provisions for execution of the HAP contract.

13-II.B. HAP CONTRACT CONTENTS

The HAP contract format is required by HUD, specifically Housing Assistance Payment (HAP) Contract, Form HUD-52641.

The HAP contract contains three parts.

Part A of the contract includes basic contract information: the names of the tenant and all household members, the address of the contract unit, start and end dates of initial lease term, the amount of initial monthly rent to owner, the amount of initial housing assistance payment, the utilities and appliances to be supplied by owner and tenant, and the signatures of the GRHC representative and owner [HCV Guidebook, pp. 11-10 and 11-11]. The GRHC has made no modifications to Part A of the HAP contract.

Part B is the body of the contract. It describes in detail program requirements affecting the owner and owner roles and responsibilities under the HCV program. Most of the requirements contained in Part B of the HAP contract are outlined elsewhere in this plan. Topics addressed in Part B include:

- Lease of Contract Unit
- Maintenance, Utilities, and Other Services
- Term of HAP Contract
- Provision and Payment of Utilities and Appliances
- Rent to Owner: Reasonable Rent
- GRHC Payment to Owner
- Prohibition of Discrimination
- Owner's Breach of HAP Contract
- GRHC and HUD Access to Premises and Owner's Records
- Exclusion of Third Party Rights

- Conflict of Interest
- Assignment of the HAP Contract
- Written Notices
- Entire Agreement Interpretation

Part C of the contract includes the Tenancy Addendum (Form HUD-52641-A). The addendum sets forth the tenancy requirements for the program and the composition of the household, as approved by the GRHC. The tenant has the right to enforce the Tenancy Addendum against the owner. The terms of the Tenancy Addendum prevail over any other provisions of the lease.

13-II.C. HAP CONTRACT PAYMENTS

General

During the term of the HAP contract, and subject to the provisions of the HAP contract, the GRHC will make monthly HAP payments to the owner on behalf of the family, at the beginning of each month. If a lease term begins after the first of the month, the HAP payment for the first month is prorated for a partial month.

The amount of the HAP payment is determined according to the policies described in Chapter 6 and is subject to change during the term of the HAP contract. The GRHC must notify the owner and the family in writing of any changes in the HAP payment.

HAP payments can be made only during the lease term, and only while the family is residing in the unit.

The monthly HAP payment by the GRHC is credited toward the monthly rent to owner under the family's lease. The total of the rent paid by the tenant and the HAP payment is equal to the rent to owner as specified in the lease.

The family is not responsible for payment of the HAP payment, and the GRHC is not responsible for payment of the family share of rent.

The family's share of the rent cannot be more than the difference between the rent to owner and the HAP payment. The owner may not demand or accept any rent payment from the tenant in excess of this maximum [24 CFR 982.451(b)(4)]. The owner may not charge the tenant extra amounts for items customarily included in rent in the locality or provided at no additional cost to unsubsidized tenants in the premises [24 CFR 982.510(c)]. See chapter 9 for a discussion of separate, non-lease agreements for services, appliances and other items that are not included in the lease.

If the owner receives any excess HAP from the GRHC, the excess amount will be returned immediately. If the GRHC determines that the owner is not entitled to all or a portion of the HAP, the GRHC may deduct the amount of overpayment from any amounts due to the owner, including amounts due under any other Section 8 HCV contract. See Chapter 16 for additional detail on owner reimbursement of HAP overpayments.

Owner Certification of Compliance

Unless the owner complies with all provisions of the HAP contract, the owner is not entitled to receive housing assistance payments under the HAP contract [HAP Contract – Form HUD-52641].

By endorsing the monthly check from the GRHC, the owner certifies to compliance with the terms of the HAP contract. This includes certification that the owner is maintaining the unit and premises in accordance with HQS; that the contract unit is leased to the tenant family and, to the best of the owner's knowledge, the family resides in the unit as the family's only residence; the rent to owner does not exceed rents charged by the owner for comparable unassisted units on the premises; and that the owner does not receive (other than rent to owner) any additional payments or other consideration for rent of the contract unit during the HAP term.

Late HAP Payments [24 CFR 982.451(a)(5)]

The GRHC is responsible for making HAP payments promptly when due to the owner, in accordance with the terms of the HAP contract. After the first two calendar months of the HAP contract term, the HAP contract provides for late penalties if the GRHC fails to make the HAP payment on time.

Penalties for late HAP payments can only be imposed if 1) the penalties are in accordance with generally accepted local rental market practices and law governing penalties for late payment by tenants; 2) it is the owner's normal business practice to charge late payment penalties for both assisted and unassisted families; and 3) the owner charges the assisted family for late payment of the family's share of the rent.

The GRHC is not required to pay a late payment penalty if HUD determines that the payment is late for reasons beyond the GRHC's control. In addition, late payment penalties are not required if the GRHC intentionally delays or denies payment as a remedy to an owner breach of the HAP contract [HCV Guidebook p. 11-7].

Termination of HAP Payments [24 CFR 982.311(b)]

The GRHC will continue making housing assistance payments to the owner in accordance with the HAP contract as long as the tenant continues to occupy the unit and the HAP contract is not violated.

HAP payments terminate when the HAP contract terminates or when the tenancy is terminated in accordance with the terms of the lease.

If the owner has initiated eviction proceedings against the family and the family continues to reside in the unit, the GRHC will continue to make housing assistance payments to the owner until the owner has obtained a court judgment or other process allowing the owner to evict the tenant.

The owner must inform the GRHC when the owner has initiated eviction proceedings against the family and the family continues to reside in the unit.

The owner must inform the GRHC when the owner has obtained a court judgment or other process allowing the owner to evict the tenant and provide the GRHC with a copy of such judgment or determination.

After the owner has obtained a court judgment or other process allowing the owner to evict the tenant, the GRHC will continue to make HAP payments to the owner until the family actually moves from the unit or until the family is physically evicted from the unit, whichever is earlier. The owner must inform the GRHC of the date when the family actually moves from the unit or the family is physically evicted from the unit.

13-II.D. BREACH OF HAP CONTRACT [24 CFR 982.453]

Any of the following actions by the owner constitutes a breach of the HAP contract:

- If the owner violates any obligations under the HAP contract including failure to maintain the unit in accordance with HQS
- If the owner has violated any obligation under any other HAP contract under Section 8
- If the owner has committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program
- For projects with mortgages insured by HUD or loans made by HUD, if the owner has failed to comply with the regulation for the applicable program; or if the owner has committed fraud, bribery or any other corrupt or criminal act in connection with the mortgage or loan
- If the owner has engaged in drug-related criminal activity
- If the owner has committed any violent criminal activity

If the GRHC determines that a breach of the HAP contract has occurred, it may exercise any of its rights and remedies under the HAP contract.

The GRHC rights and remedies against the owner under the HAP contract include recovery of any HAP overpayment, suspension of housing assistance payments, abatement or reduction of the housing assistance payment, termination of the payment or termination of the HAP contract. The GRHC may also obtain additional relief by judicial order or action.

The GRHC will notify the owner of its determination and provide in writing the reasons for the determination. The notice may require the owner to take corrective action by an established deadline. The GRHC will provide the owner with written notice of any reduction in housing assistance payments or the termination of the HAP contract.

Before the GRHC invokes a remedy against an owner, the GRHC will evaluate all information and documents available to determine if the contract has been breached.

If relevant, the GRHC will conduct an audit of the owner's records pertaining to the tenancy or unit.

If it is determined that the owner has breached the contract, the GRHC will consider all of the relevant factors including the seriousness of the breach, the effect on the family, the owner's record of compliance and the number and seriousness of any prior HAP contract violations.

13-II.E. HAP CONTRACT TERM AND TERMINATIONS

The term of the HAP contract runs concurrently with the term of the dwelling lease [24 CFR 982.451(a)(2)], beginning on the first day of the initial term of the lease and terminating on the last day of the term of the lease, including any lease term extensions.

The HAP contract and the housing assistance payments made under the HAP contract terminate if [HCV Guidebook pp.11-4 and 11-5, pg. 15-3]:

- The owner or the family terminates the lease;
- The lease expires;
- The GRHC terminates the HAP contract;

- The GRHC terminates assistance for the family;
- The family moves from the assisted unit. In this situation, the owner is entitled to keep the housing assistance payment for the month when the family moves out of the unit.
- 180 calendar days have elapsed since the GRHC made the last housing assistance payment to the owner;
- The family is absent from the unit for longer than the maximum period permitted by the GRHC;
- The Annual Contributions Contract (ACC) between the GRHC and HUD expires
- The GRHC elects to terminate the HAP contract. The GRHC may elect to terminate the HAP contract in each of the following situations:
 - Available program funding is not sufficient to support continued assistance for families in the program [24 CFR 982.454];
 - The unit does not meet HQS size requirements due to change in family composition [24 CFR 982.403] – see chapter 8;
 - The unit does not meet HQS [24 CFR 982.404] – see chapter 8;
 - The family breaks up [HUD Form 52641] – see chapter 3;

The owner breaches the HAP contract [24 CFR 982.453(b)] – see Section 13-II.D.

If the GRHC terminates the HAP contract, the GRHC must give the owner and the family written notice. Once a HAP contract is terminated, no further HAP payments may be made under that contract [HCV Guidebook pg.15-4].

In all cases, the HAP contract terminates at the end of the calendar month that follows the calendar month in which the GRHC gives written notice to the owner. The owner is not entitled to any housing assistance payment after this period and must return to the GRHC any housing assistance payment received after this period.

If the family moves from the assisted unit into a new unit, even if the new unit is in the same building or complex as the assisted unit, the HAP contract for the assisted unit terminates. A new HAP contract would be required [HCV GB, p. 11-17].

When the family moves from an assisted unit into a new unit, the term of the HAP contract for the new unit may begin in the same month in which the family moves out of its old unit. This is not considered a duplicative subsidy [HCV GB, p. 8-22].

13-II.F. CHANGE IN OWNERSHIP / ASSIGNMENT OF THE HAP CONTRACT [HUD-52641]

The HAP contract cannot be assigned to a new owner without the prior written consent of the GRHC.

An owner under a HAP contract must notify the GRHC in writing prior to a change in the legal ownership of the unit. The owner must supply all information as requested by the GRHC.

Prior to approval of assignment to a new owner, the new owner must agree to be bound by and comply with the HAP contract. The agreement between the new owner and the former owner

must be in writing and in a form that the GRHC finds acceptable. The new owner must provide the GRHC with a copy of the executed agreement.

Assignment of the HAP contract will be approved only if the new owner is qualified to become an owner under the HCV program according to the policies in Section 13-I.D. of this chapter.

The GRHC must receive a signed, written request from the existing owner stating the name and address of the new HAP payee and the effective date of the assignment in order to change the HAP payee under an outstanding HAP contract.

Within 15 calendar days of receiving the owner's request, the GRHC will inform the current owner in writing whether the assignment may take place.

The new owner must provide a written certification to the GRHC that includes:

- A copy of the escrow statement or other document showing the transfer of title and recorded deed;
- A copy of the owner's IRS Form W-9, Request for Taxpayer Identification Number and Certification, or the social security number of the new owner;
- The effective date of the HAP contract assignment;
- A written agreement to comply with the terms of the HAP contract; and
- A certification that the new owner is not a prohibited relative.

If the new owner does not agree to an assignment of the HAP contract, or fails to provide the necessary documents, the GRHC will terminate the HAP contract with the old owner. If the new owner wants to offer the family a new lease, and the family elects to stay with continued assistance, the GRHC will process the leasing in accordance with the policies in Chapter 9.

13-II.G. FORECLOSURE [Notice PIH 2010-49]

Families receiving HCV assistance are entitled to certain protections set forth under the Protecting Tenants at Foreclosure Act (PTFA). During the term of the lease, the new owner of the property does not have good cause to terminate the tenant's lease, unless the new owner will occupy the unit as their primary residence and has provided the tenant with at least a 90-day notice. In that case, the lease may be terminated effective on the date of sale, although the tenant is still entitled to a 90-day notice to vacate. Further, the new owner assumes interest in the lease between the prior owner and the tenant and to the HAP contract.

Any state or local law that provides longer time periods or other additional protections for tenants also applies.

If a property is in foreclosure, the GRHC will make all reasonable efforts to determine the status of the foreclosure and ownership of the property and will continue to make payments to the original owner until ownership legally transfers in accordance with the HAP contract.

The GRHC will attempt to obtain a written acknowledgement of the assignment of the HAP contract from the successor in interest. This will include a request for owner information, including a tax identification number and payment instructions from the new owner. Even if the new owner does not acknowledge the assignment of the HAP contract in writing, the assignment is still effective by operation of law.

The GRHC will inform the tenant that they must continue to pay rent in accordance with the lease, and if the new owner refuses to accept payment or cannot be identified, the tenant should pay rent into escrow. Failure to pay rent may constitute an independent ground for eviction.

In the event that the GRHC is unable to make HAP payments to the new owner due to an action or inaction by the new owner that prevents such payments (e.g., rejection of payments or failure to maintain the property according to HQS), or due to an inability to identify the new owner, the GRHC will either use the funds to pay:

The utilities that are the owner's responsibility after taking reasonable steps to notify the owner; except that if the unit has been or will be rendered uninhabitable due to termination or threat of termination of service, prior notice is not required. In the latter case, the GRHC shall notify the owner within a reasonable time after making the utility payment; or for the family's reasonable moving costs, including security deposit costs.

The GRHC will also refer the tenant, as needed, to the local legal aid office in order to ensure adequate protection of the tenant's rights and enforcement of the successor in interest's performance under the HAP contract.

See Section 12-III.B for a discussion of foreclosure as it pertains to owner termination of tenancy.

Chapter 14

PROGRAM INTEGRITY

| | |
|---|----|
| INTRODUCTION | 2 |
| PART I: PREVENTING, DETECTING, AND INVESTIGATING ERRORS AND PROGRAM ABUSE | 3 |
| 14-I.A. PREVENTING ERRORS AND PROGRAM ABUSE..... | 3 |
| 14-I.B. DETECTING ERRORS AND PROGRAM ABUSE..... | 4 |
| 14-I.C. INVESTIGATING ERRORS AND PROGRAM ABUSE | 4 |
| PART II: CORRECTIVE MEASURES AND PENALTIES | 5 |
| 14-II.A. SUBSIDY UNDER- OR OVERPAYMENTS | 6 |
| 14-II.B. FAMILY-CAUSED ERRORS AND PROGRAM ABUSE | 6 |
| 14-II.C. OWNER-CAUSED ERROR OR PROGRAM ABUSE | 7 |
| 14-II.D. GRHC-CAUSED ERRORS OR PROGRAM ABUSE | 9 |
| 14-II.E. CRIMINAL PROSECUTION..... | 10 |
| 14-II.F. FRAUD AND PROGRAM ABUSE RECOVERIES | 10 |

INTRODUCTION

The GRHC is committed to ensuring that subsidy funds made available to the GRHC are spent in accordance with HUD requirements.

This chapter covers HUD and GRHC policies designed to prevent, detect, investigate, and resolve instances of program abuse or fraud. It also describes the actions that will be taken in the case of unintentional errors and omissions.

Part I: Preventing, Detecting, and Investigating Errors and Program Abuse. This part presents GRHC policies related to preventing, detecting, and investigating errors and program abuse.

Part II: Corrective Measures and Penalties. This part describes the corrective measures the GRHC must and may take when errors or program abuses are found.

PART I: PREVENTING, DETECTING, AND INVESTIGATING ERRORS AND PROGRAM ABUSE

14-I.A. PREVENTING ERRORS AND PROGRAM ABUSE

HUD created the Enterprise Income Verification (EIV) system to provide the GRHC with a powerful tool for preventing errors and detecting program abuse. The GRHC is required to use the EIV system in its entirety in accordance with HUD administrative guidance [24 CFR 5.233]. The GRHC is further required to:

- Provide applicants and participants with form HUD-52675, “Debts Owed to PHAs and Terminations”
- Require all adult members of an applicant or participant family to acknowledge receipt of form HUD-52675 by signing a copy of the form for retention in the family file
- To ensure that the GRHC’s HCV program is administered according to the highest ethical and legal standards, the GRHC will employ a variety of techniques to ensure that both errors and intentional program abuse are rare.
 - The GRHC will discuss program compliance and integrity issues during the voucher briefing sessions described in Chapter 5.
 - The GRHC will provide each applicant and participant with a copy of “Is Fraud Worth It?” (form HUD-1141-OIG), which explains the types of actions a family must avoid and the penalties for program abuse.
 - The GRHC will provide each applicant and participant with a copy of “What You Should Know about EIV,” a guide to the Enterprise Income Verification (EIV) system published by HUD as an attachment to Notice PIH 2017-12. In addition, the GRHC will require the head of each household to acknowledge receipt of the guide by signing a copy for retention in the family file.
 - The GRHC will place a warning statement about the penalties for fraud (as described in 18 U.S.C. 1001 and 1010) on key GRHC forms and form letters that request information from a family or owner.
 - GRHC staff will be required to review and explain the contents of all HUD- and GRHC-required forms prior to requesting family member signatures.
 - At every regular reexamination, GRHC staff will explain any changes in HUD regulations or GRHC policy that affect program participants.
 - The GRHC will require first-time owners (or their agents) to participate in a briefing session on HAP contract requirements.
 - The GRHC will provide owners with ongoing information about the program, with an emphasis on actions and situations to avoid.
 - The GRHC will provide each GRHC employee with the necessary training on program rules and the organization’s standards of conduct and ethics.
 - For purposes of this chapter the term error refers to an unintentional error or omission. Program abuse or fraud refers to a single act or pattern of actions that

constitute a false statement, omission, or concealment of a substantial fact, made with the intent to deceive or mislead.

14-I.B. DETECTING ERRORS AND PROGRAM ABUSE

Quality Control and Analysis of Data

Under good practice and management, the GRHC will review a random sample of tenant records annually to determine if the records conform to program requirements and to conduct quality control inspections of a sample of units to ensure HQS compliance [24 CFR, Part 985].

In addition, the GRHC will employ a variety of methods to detect errors and program abuse.

The GRHC routinely will use HUD and other non-HUD sources of up-front income verification. This includes The Work Number and any other private or public databases available to the GRHC.

At each annual reexamination, current information provided by the family will be compared to information provided at the last annual reexamination to identify inconsistencies and incomplete information.

The GRHC will compare family-reported income and expenditures to detect possible unreported income.

Independent Audits and HUD Monitoring

OMB Circular A-133 requires the GRHC to have an independent audit (IPA). In addition, HUD conducts periodic on-site and automated monitoring of GRHC activities and notifies the GRHC of errors and potential cases of program abuse.

The GRHC will use the results reported in any IPA or HUD monitoring reports to identify potential program abuses as well as to assess the effectiveness of the GRHC's error detection and abuse prevention efforts.

Individual Reporting of Possible Errors and Program Abuse

The GRHC will encourage staff, program participants, and the public to report possible program abuse.

14-I.C. INVESTIGATING ERRORS AND PROGRAM ABUSE

When the GRHC Will Investigate

The GRHC will review all referrals, specific allegations, complaints, and tips from any source including other agencies, companies, and individuals, to determine if they warrant investigation. In order for the GRHC to investigate, the allegation must contain at least one independently verifiable item of information, such as the name of an employer or the name of an unauthorized household member.

The GRHC will investigate when inconsistent or contradictory information is detected through file reviews and the verification process.

Consent to Release of Information [24 CFR 982.516]

The GRHC will investigate possible instances of error or abuse using all available GRHC and public records. If necessary, the GRHC will require HCV families to sign consent forms for the release of additional information.

Analysis and Findings

The GRHC will base its evaluation on a preponderance of the evidence collected during its investigation.

Preponderance of the evidence is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence that as a whole shows that the fact sought to be proved is more probable than not. Preponderance of evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

For each investigation the GRHC will determine (1) whether an error or program abuse has occurred, (2) whether any amount of money is owed the GRHC, and (3) what corrective measures or penalties will be assessed.

Consideration of Remedies

All errors and instances of program abuse must be corrected prospectively. Whether the GRHC will enforce other corrective actions and penalties depends upon the nature of the error or program abuse.

In the case of family-caused errors or program abuse, the GRHC will take into consideration (1) the seriousness of the offense and the extent of participation or culpability of individual family members, (2) any special circumstances surrounding the case, (3) any mitigating circumstances related to the disability of a family member, (4) the effects of a particular remedy on family members who were not involved in the offense.

In the case of owner-caused errors or program abuse, the GRHC will take into consideration (1) the seriousness of the offense, (2) the length of time since the violation has occurred, and (3) the effects of a particular remedy on family members who were not involved in the offense.

Notice and Appeals

The GRHC will inform the relevant party in writing of its findings and remedies within 15 calendar days of the conclusion of the investigation. The notice will include (1) a description of the error or program abuse, (2) the basis on which the GRHC determined the error or program abuses, (3) the remedies to be employed, and (4) the family's right to appeal the results through the informal review or hearing process, if applicable (see Chapter 16)

PART II: CORRECTIVE MEASURES AND PENALTIES

14-II.A. SUBSIDY UNDER- OR OVERPAYMENTS

A subsidy under- or overpayment includes (1) an incorrect housing assistance payment to the owner, (2) an incorrect family share established for the family, and (3) an incorrect utility reimbursement to a family.

Corrections

Whether the incorrect subsidy determination is an overpayment or underpayment of subsidy, the GRHC will promptly correct the HAP, family share, and any utility reimbursement prospectively.

Increases in the family share will be implemented on the first of the month following a written 30 calendar day notice.

Any decreases in family share will become effective the first of the month following the discovery of the error.

Reimbursement

Whether the family or owner is required to reimburse the GRHC or the GRHC is required to make retroactive subsidy payments to the owner or family depends upon which party is responsible for the incorrect subsidy payment and whether the action taken was an error or program abuse. Policies regarding reimbursement are discussed in the three sections that follow.

14-II.B. FAMILY-CAUSED ERRORS AND PROGRAM ABUSE

Family obligations and general administrative requirements for participating in the program are discussed throughout this plan. This section deals specifically with errors and program abuse by family members.

An incorrect subsidy determination caused by a family generally would be the result of incorrect reporting of family composition, income, assets, or expenses, but also would include instances in which the family knowingly allows the GRHC to use incorrect information provided by a third party.

Family Reimbursement to PHA [HCV GB pp. 22-12 to 22-13]

In the case of family-caused errors or program abuse, the family will be required to repay any excess subsidy received. The GRHC may, but is not required to, offer the family a repayment agreement in accordance with Chapter 16. If the family fails to repay the excess subsidy, the GRHC will terminate the family's assistance in accordance with the policies in Chapter 12.

GRHC Reimbursement to Family [HCV GB p. 22-12]

The GRHC will not reimburse the family for any underpayment of assistance when the underpayment clearly is caused by the family.

Prohibited Actions

An applicant or participant in the HCV program must not knowingly:

- Make a false statement to the GRHC [Title 18 U.S.C. Section 1001].
- Commit fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program [24 CFR 982.552(c)(iv)].
- Any of the following will be considered evidence of family program abuse:
 - Payment to the owner in excess of amounts authorized by the GRHC for rent, security deposit, and additional services
 - Offering bribes or illegal gratuities to the GRHC Board of Commissioners, employees, contractors, or other GRHC representatives
 - Offering payments or other incentives to the owner or a third party as an inducement for the third party to make false or misleading statements to the GRHC on the family's behalf
 - Use of a false name or the use of falsified, forged, or altered documents
 - Intentional misreporting of family information or circumstances (e.g. income, family composition)
 - Omitted facts that were obviously known by a family member (e.g., not reporting employment income)
 - Admission of program abuse by an adult family member

The GRHC may determine other actions to be program abuse based upon a preponderance of the evidence, as defined earlier in this chapter.

Penalties for Program Abuse

In the case of program abuse caused by a family the GRHC will, at its discretion, impose any of the following remedies.

- The GRHC may require the family to repay excess subsidy amounts paid by the GRHC, as described earlier in this section.
- The GRHC may require, as a condition of receiving or continuing assistance, that a culpable family member not reside in the unit. See policies in Chapter 3 (for applicants) and Chapter 12 (for participants).
- The GRHC may deny or terminate the family's assistance following the policies set forth in Chapter 3 and Chapter 12 respectively.
- The GRHC may refer the family for state or federal criminal prosecution as described in section 14-II.E.

14-II.C. OWNER-CAUSED ERROR OR PROGRAM ABUSE

Owner requirements that are part of the regular process of offering, leasing, and maintaining a unit (e.g., HQS compliance, fair housing) are addressed in the appropriate chapters of this plan. This section focuses on errors and program abuse by owners.

An incorrect subsidy determination caused by an owner generally would be the result of an incorrect owner statement about the characteristics of the assisted unit (e.g., the number of bedrooms, which utilities are paid by the family). It also includes accepting duplicate housing assistance payments for the same unit in the same month, or after a family no longer resides in the unit.

Owner Reimbursement to the GRHC

In all cases of overpayment of subsidy caused by the owner, the owner must repay to the GRHC any excess subsidy received. The GRHC will recover overpaid amounts by withholding housing assistance payments due for subsequent months, or if the debt is large, the GRHC may allow the owner to pay in installments over a period of time [HCV GB p. 22-13].

Prohibited Owner Actions

An owner participating in the HCV program must not:

- Make any false statement to the GRHC [Title 18 U.S.C. Section 1001].
- Commit fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program [24 CFR 982.453(a)(3)] including:
- Any of the following will be considered evidence of owner program abuse:
 - Charging the family rent above or below the amount specified by the GRHC
 - Charging a security deposit other than that specified in the family's lease
 - Charging the family for services that are provided to unassisted tenants at no extra charge
 - Knowingly accepting housing assistance payments for any month(s) after the family has vacated the unit
 - Knowingly accepting incorrect or excess housing assistance payments
 - Offering bribes or illegal gratuities to the GRHC Board of Commissioners, employees, contractors, or other GRHC representatives
 - Offering payments or other incentives to an HCV family as an inducement for the family to make false or misleading statements to the GRHC
 - Residing in the unit with an assisted family
 - Committing sexual or other harassment, either quid pro quo or hostile environment, based on the protected classes defined in Chapter 2
 - Retaliating against any applicant or participant reporting/alleging sexual or other harassment, either quid pro quo or hostile environment, based on the protected classes defined in Chapter 2

Remedies and Penalties

When the GRHC determines that the owner has committed program abuse, the GRHC will take any of the following actions:

- Require the owner to repay excess housing assistance payments, as discussed earlier in this section and in accordance with the policies in Chapter 16.

- Terminate the HAP contract (See Chapter 13).
- Bar the owner from future participation in any PHA programs.
- Refer the case to state or federal officials for criminal prosecution as described in section 14-II.E.

14-II.D. GRHC-CAUSED ERRORS OR PROGRAM ABUSE

The responsibilities and expectations of GRHC staff with respect to normal program administration are discussed throughout this plan. This section specifically addresses actions of a GRHC staff member that are considered errors or program abuse related to the HCV program. Additional standards of conduct may be provided in the GRHC personnel policy.

GRHC-caused incorrect subsidy determinations include (1) failing to correctly apply HCV rules regarding family composition, income, assets, and expenses, (2) assigning the incorrect voucher size to a family, and (3) errors in calculation.

Repayment to the GRHC

Neither a family nor an owner is required to repay an overpayment of subsidy if the error or program abuse is caused by GRHC staff [HCV GB. 22-12].

GRHC Reimbursement to Family or Owner

The GRHC will reimburse a family for any underpayment of subsidy, regardless of whether the underpayment was the result of staff-caused error or staff or owner program abuse. Funds for this reimbursement must come from the PHA's administrative fee reserves [HCV GB p. 22-12].

Prohibited Activities

Any of the following will be considered evidence of program abuse by GRHC staff:

- Failing to comply with any HCV program requirements for personal gain
- Failing to comply with any HCV program requirements as a result of a conflict of interest relationship with any applicant, participant, or owner
- Seeking or accepting anything of material value from applicants, participating families, vendors, owners, contractors, or other persons who provide services or materials to the GRHC
- Disclosing confidential or proprietary information to outside parties
- Gaining profit as a result of insider knowledge of GRHC activities, policies, or practices
- Misappropriating or misusing HCV funds
- Destroying, concealing, removing, or inappropriately using any records related to the HCV program
- Committing any other corrupt or criminal act in connection with any federal housing program

14-II.E. CRIMINAL PROSECUTION

When the GRHC determines that program abuse by an owner, family, or GRHC staff member has occurred and the amount of overpaid subsidy meets or exceeds the threshold for prosecution under local or state law, the GRHC will refer the matter to the appropriate entity for prosecution. When the amount of overpaid assistance meets or exceeds the federal threshold, the case will also be referred to the HUD Office of Inspector General (OIG).

Other criminal violations related to the HCV program will be referred to the appropriate local, state, or federal entity.

14-II.F. FRAUD AND PROGRAM ABUSE RECOVERIES

The GRHC may retain a portion of program fraud losses that the GRHC recovers from a family or owner through litigation, court order, or a repayment agreement [24 CFR 982.163].

The GRHC will be the principal party initiating or sustaining the action to recover amounts due from tenants that are due as a result of fraud and abuse. 24 CFR 792.202 permits the GRHC to retain the greater of:

- 50 percent of the amount it actually collects from a judgment, litigation (including settlement of a lawsuit) or an administrative repayment agreement, or
- Reasonable and necessary costs that the GRHC incurs related to the collection including costs of investigation, legal fees, and agency collection fees.

If HUD incurs costs on behalf of the GRHC related to the collection, these costs must be deducted from the amount retained by the GRHC.

Chapter 15

SPECIAL HOUSING TYPES

[24 CFR 982 Subpart M]

| | |
|--|----|
| INTRODUCTION | 3 |
| PART I: SINGLE ROOM OCCUPANCY | 4 |
| 15-I.A. OVERVIEW | 4 |
| 15-I.B. PAYMENT STANDARD, UTILITY ALLOWANCE, AND HAP CALCULATION | 4 |
| 15-I.C. HOUSING QUALITY STANDARDS (HQS) | 4 |
| PART II: CONGREGATE HOUSING | 6 |
| 15-II.A. OVERVIEW | 6 |
| PART III: GROUP HOME | 7 |
| 15-III.A. OVERVIEW | 7 |
| 15-III.B. PAYMENT STANDARD, UTILITY ALLOWANCE, AND HAP CALCULATION | 7 |
| 15-III.C. HOUSING QUALITY STANDARDS | 8 |
| PART IV: SHARED HOUSING | 9 |
| 15-IV.A. OVERVIEW | 9 |
| 15-IV.B. PAYMENT STANDARD, UTILITY ALLOWANCE AND HAP CALCULATION | 9 |
| 15-IV.C. HOUSING QUALITY STANDARDS | 10 |
| PART V: COOPERATIVE HOUSING | 11 |
| 15-V.A. OVERVIEW | 11 |
| 15-V.B. PAYMENT STANDARD, UTILITY ALLOWANCE AND HAP CALCULATION | 11 |
| 15-V.C. HOUSING QUALITY STANDARDS | 11 |
| PART VI: MANUFACTURED HOMES | 12 |
| 15-VI.A. OVERVIEW | 12 |

| | |
|--|----|
| 15-VI.B. SPECIAL POLICIES FOR MANUFACTURED OWNERS WHO LEASE A SPACE..... | 12 |
| 15-VI.C. PAYMENT STANDARD, UTILITY ALLOWANCE AND HAP CALCULATION..... | 12 |
| 15-VI.D. HOUSING QUALITY STANDARDS | 13 |
| PART VII: HOMEOWNERSHIP | 14 |
| 15-VII.A. OVERVIEW [24 CFR 982.625]..... | 14 |
| 15-VII.B. FAMILY ELIGIBILITY [24 CFR 982.627]..... | 14 |
| 15-VII.C. SELECTION OF FAMILIES [24 CFR 982.626] | 15 |
| 15-VII.D. ELIGIBLE UNITS [24 CFR 982.628] | 15 |
| 15-VII.E. ADDITIONAL GRHC REQUIREMENTS FOR SEARCH AND PURCHASE | 16 |
| 15-VII.F. HOMEOWNERSHIP COUNSELING [24 CFR 982.630] | 16 |
| 15-VII.G. HOME INSPECTIONS, CONTRACT OF SALE, AND DISAPPROVAL OF SELLER | 18 |
| 15-VII.H. FINANCING [24 CFR 982.632] | 18 |
| 15-VII.I. CONTINUED ASSISTANCE REQUIREMENTS; FAMILY OBLIGATIONS | 19 |
| 15-VII.J. MAXIMUM TERM OF HOMEOWNER ASSISTANCE [24 CFR 982.634] | 20 |
| 15-VII.K. HOMEOWNERSHIP ASSISTANCE PAYMENTS EXPENSES..... | 20 |
| 15-VII.L. PORTABILITY [24 CFR 982.636, 982.637, 982.353(b) and (c), 982.552, 982.553]..... | 21 |
| 15-VII.M. MOVING WITH CONTINUED ASSISTANCE [24 CFR 982.637] | 22 |
| 15-VII.N. DENIAL OR TERMINATION OF ASSISTANCE [24 CFR 982.638]..... | 22 |
| 15-VIII. SECTION 8 MODERATE REHABILITATION PROGRAM..... | 23 |
| 15.VIII.A. OVERVIEW | 23 |
| PART IX. FAMILY SELF-SUFFICIENCY PROGRAM | 24 |
| 16.I.A OVERVIEW | 24 |

INTRODUCTION

The GRHC will permit a family to use any of the special housing types discussed in this chapter. However, the GRHC is not required to permit families receiving assistance in its jurisdiction to use these housing types, except that the GRHC will permit use of any special housing type if needed as a reasonable accommodation for a person with a disability. No special funding is provided for special housing types.

Families will be able to utilize the following special housing types: Single Room Occupancy, Group Homes, Shared Housing, Manufactured Homes, and Homeownership.

Special housing types include single room occupancy (SRO), congregate housing, group homes, shared housing, cooperative housing, manufactured homes where the family owns the home and leases the space, and homeownership [24 CFR 982.601].

This chapter consists of the following seven parts. Each part contains a description of the housing type and any special requirements associated with it. Except as modified by this chapter, the general requirements of the HCV program apply to special housing types.

Part I: Single Room Occupancy

Part II: Congregate Housing

Part III: Group Homes

Part IV: Shared Housing

Part V: Cooperative Housing

Part VI: Manufactured Homes (including manufactured home space rental)

Part VII: Homeownership

Part VIII: Moderate Rehabilitation Program

Part IX: Family Self-Sufficiency

PART I: SINGLE ROOM OCCUPANCY

[24 CFR 982.602 through 982.605]

15-I.A. OVERVIEW

A single room occupancy (SRO) unit provides living and sleeping space for the exclusive use of the occupant but requires the occupant to share sanitary and/or food preparation facilities with others. More than one person may not occupy an SRO unit. HCV regulations do not limit the number of units in an SRO facility, but the size of a facility may be limited by local ordinances.

When providing HCV assistance in an SRO unit, a separate lease and HAP contract are executed for each assisted person, and the standard form of the HAP contract is used.

The GRHC will permit participants to lease up SRO units.

15-I.B. PAYMENT STANDARD, UTILITY ALLOWANCE, AND HAP CALCULATION

The payment standard for SRO housing is 75 percent of the zero-bedroom payment standard amount on the GRHC's payment standard schedule.

The utility allowance for an assisted person residing in SRO housing is 75 percent of the zero-bedroom utility allowance.

The HAP for an assisted occupant in an SRO facility is the lower of the SRO payment standard amount minus the TTP or the gross rent for the unit minus the TTP.

15-I.C. HOUSING QUALITY STANDARDS (HQS)

HQS requirements described in Chapter 8 apply to SRO housing except as modified below.

- *Access:* Access doors to the SRO unit must have working locks for privacy. The occupant must be able to access the unit without going through any other unit. Each unit must have immediate access to two or more approved means of exit from the building, appropriately marked and leading to safe and open space at ground level. The SRO unit must also have any other means of exit required by State or local law.
- *Fire Safety:* All SRO facilities must have a sprinkler system that protects major spaces. "Major spaces" are defined as hallways, common areas, and any other areas specified in local fire, building, or safety codes. SROs must also have hard-wired smoke detectors, and any other fire and safety equipment required by state or local law.
 - *Sanitary Facilities:* At least one flush toilet that can be used in privacy, a lavatory basin, and a bathtub or shower in proper operating condition must be provided for each six persons (or fewer) residing in the SRO facility. If the SRO units are leased only to men, flush urinals may be substituted for up to one half of the required number of toilets. Sanitary facilities must be reasonably accessible from a common hall or passageway, and may not be located more than one floor above or below the SRO unit. They may not be located below grade unless the SRO units are located on that level.
 - Sanitary facilities and space and security standards must meet local code requirements for SRO housing. In the absence of local code standards the requirements discussed below apply [24 CFR 982.605].

- *Space and Security:* An SRO unit must contain at least 110 square feet of floor space, and at least four square feet of closet space with an unobstructed height of at least five feet, for use by the occupant. If the closet space is less than four square feet, the habitable floor space in the SRO unit must be increased by the amount of the deficiency. Exterior doors and windows accessible from outside the SRO unit must be lockable.

Because no children live in SRO housing, the housing quality standards applicable to lead-based paint do not apply.

PART II: CONGREGATE HOUSING

[24 CFR 982.606 through 982.609]

15-II.A. OVERVIEW

Congregate housing is intended for use by elderly persons or persons with disabilities. A congregate housing facility contains a shared central kitchen and dining area and a private living area for the individual household that includes at least a living room, bedroom and bathroom. Food service for residents must be provided.

If approved by the PHA, a family member or live-in aide may reside with the elderly person or person with disabilities. The PHA must approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities.

When providing HCV assistance in congregate housing, a separate lease and HAP contract are executed for each assisted family, and the standard form of the HAP contract is used.

The GRHC will not permit participants to lease up in Congregate Housing units.

PART III: GROUP HOME

[24 CFR 982.610 through 982.614 and HCV GB p. 7-4]

15-III.A. OVERVIEW

A group home is a state-licensed facility intended for occupancy by elderly persons and/or persons with disabilities. Except for live-in aides, all persons living in a group home, whether assisted or not, must be elderly persons or persons with disabilities. Persons living in a group home must not require continuous medical or nursing care.

A group home consists of bedrooms for residents, which can be shared by no more than two people, and a living room, kitchen, dining area, bathroom, and other appropriate social, recreational, or community space that may be shared with other residents.

No more than 12 persons may reside in a group home including assisted and unassisted residents and any live-in aides.

If approved by the GRHC, a live-in aide may live in the group home with a person with disabilities. The GRHC will approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities.

When providing HCV assistance in a group home, a separate lease and HAP contract is executed for each assisted family, and the standard form of the HAP contract is used.

The GRHC will permit participants to lease up Group Home units.

15-III.B. PAYMENT STANDARD, UTILITY ALLOWANCE, AND HAP CALCULATION

Unless there is a live-in aide, the family unit size for an assisted occupant of a group home must be zero- or one-bedroom, depending on the GRHC's subsidy standard. If there is a live-in aide, the aide must be counted in determining the household's unit size.

The payment standard used to calculate the HAP is the lower of the payment standard for the family unit size or the prorata share of the payment standard for the group home size. The prorata share is calculated by dividing the number of persons in the assisted household by the number of persons (assisted and unassisted) living in the group home.

The HAP for an assisted occupant in a group home is the lower of the payment standard minus the TTP or the gross rent minus the TTP.

The utility allowance for an assisted occupant in a group home is the prorata share of the utility allowance for the group home.

The rents paid for participants residing in group homes are subject to generally applicable standards for rent reasonableness. The rent for an assisted person must not exceed the prorata portion of the reasonable rent for the group home. In determining reasonable rent, the PHA should consider whether sanitary facilities and facilities for food preparation and service are common facilities or private facilities.

15-III.C. HOUSING QUALITY STANDARDS

HQS requirements described in Chapter 8 apply to group homes except for the requirements stated below.

- *Sanitary Facilities:* A group home must have at least one bathroom in the facility, with a flush toilet that can be used in privacy, a fixed basin with hot and cold running water, and a shower or bathtub with hot and cold running water. A group home may contain private or common bathrooms. However, no more than four residents can be required to share a bathroom.
- *Food Preparation and Service:* Group home units must contain a kitchen and dining area with adequate space to store, prepare, and serve food. The facilities for food preparation and service may be private or may be shared by the residents. The kitchen must contain a range, an oven, a refrigerator, and a sink with hot and cold running water. The sink must drain into an approvable public or private disposal system.
- *Space and Security:* Group homes must contain at least one bedroom of appropriate size for every two people, and a living room, kitchen, dining area, bathroom, and other appropriate social, recreational, or community space that may be shared with other residents.
- *Structure and Material:* To avoid any threat to the health and safety of the residents, group homes must be structurally sound. Elevators must be in good condition. Group homes must be accessible to and usable by residents with disabilities.
- *Site and Neighborhood:* Group homes must be located in a residential setting. The site and neighborhood should be reasonably free from hazards to the health, safety, and general welfare of the residents, and should not be subject to serious adverse conditions, such as:
 - Dangerous walks or steps
 - Instability
 - Flooding, poor drainage
 - Septic tank back-ups
 - Sewage hazards
 - Mud slides
 - Abnormal air pollution
 - Smoke or dust
 - Excessive noise
 - Vibrations or vehicular traffic
 - Excessive accumulations of trash
 - Vermin or rodent infestation, and
 - Fire hazards.

The housing quality standards applicable to lead-based paint do not apply.

PART IV: SHARED HOUSING

[24 CFR 982.615 through 982.618]

15-IV.A. OVERVIEW

Shared housing is a single housing unit occupied by an assisted family and another resident or residents. The shared unit consists of both common space for use by the occupants of the unit and separate private space for each assisted family.

An assisted family may share a unit with other persons assisted under the HCV program or with other unassisted persons. The owner of a shared housing unit may reside in the unit, but housing assistance may not be paid on behalf of the owner. The resident owner may not be related by blood or marriage to the assisted family.

If approved by the GRHC, a live-in aide may reside with the family to care for a person with disabilities. The GRHC will approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities.

When providing HCV assistance in shared housing, a separate lease and HAP contract are executed for each assisted family, and the standard form of the HAP contract is used.

The GRHC will permit participants to lease up Shared Housing units.

15-IV.B. PAYMENT STANDARD, UTILITY ALLOWANCE AND HAP CALCULATION

The payment standard for a family in shared housing is the lower of the payment standard for the family unit size or the prorata share of the payment standard for the shared housing unit size.

The prorata share is calculated by dividing the number of bedrooms available for occupancy by the assisted family in the private space by the total number of bedrooms in the unit.

The HAP for a family in shared housing is the lower of the payment standard minus the TTP or the gross rent minus the TTP. The utility allowance for an assisted family living in shared housing is the lower of the utility allowance for the family unit size (voucher size) or the prorata share of the utility allowance for the shared housing unit.

Example: A family holds a 2-bedroom voucher. The family decides to occupy 3 out of 4 bedrooms available in the unit.

The utility allowance for a 4-bedroom unit equals \$200

The utility allowance for a 2-bedroom unit equals \$100

The prorata share of the utility allowance is \$150 (3/4 of \$200)

The PHA will use the 2-bedroom utility allowance of \$100.

The rents paid for families living in shared housing are subject to generally applicable standards for rent reasonableness. The rent paid to the owner for the assisted family must not exceed the pro-rata portion of the reasonable rent for the shared unit. In determining reasonable rent, the GRHC should consider whether sanitary and food preparation areas are private or shared.

15-IV.C. HOUSING QUALITY STANDARDS

The GRHC will not give approval to reside in shared housing unless the entire unit, including the portion of the unit available for use by the assisted family under its lease, meets the housing quality standards.

HQS requirements described in Chapter 8 apply to shared housing except for the requirements stated below.

- *Facilities Available for the Family:* Facilities available to the assisted family, whether shared or private, must include a living room, a bathroom, and food preparation and refuse disposal facilities.
- *Space and Security:* The entire unit must provide adequate space and security for all assisted and unassisted residents. The private space for each assisted family must contain at least one bedroom for each two persons in the family. The number of bedrooms in the private space of an assisted family must not be less than the family unit size. A zero-bedroom or one-bedroom unit may not be used for shared housing.

PART V: COOPERATIVE HOUSING

[24 CFR 982.619]

15-V.A. OVERVIEW

This part applies to rental assistance for a cooperative member residing in cooperative housing. It does not apply to assistance for a cooperative member who has purchased membership under the HCV homeownership option, or to rental assistance for a family that leases a cooperative housing unit from a cooperative member.

A cooperative is a form of ownership (nonprofit corporation or association) in which the residents purchase memberships in the ownership entity. Rather than being charged “rent” a cooperative member is charged a “carrying charge.”

When providing HCV assistance in cooperative housing, the standard form of the HAP contract is used. The GRHC will not permit participants to lease up Cooperative Housing units.

15-V.B. PAYMENT STANDARD, UTILITY ALLOWANCE AND HAP CALCULATION

The payment standard and utility allowance are determined according to regular HCV program requirements.

The HAP for a cooperative housing unit is the lower of the payment standard minus the TTP or the monthly carrying charge for the unit, plus any utility allowance, minus the TTP. The monthly carrying charge includes the member’s share of the cooperative debt service, operating expenses, and necessary payments to cooperative reserve funds. The carrying charge does not include down payments or other payments to purchase the cooperative unit or to amortize a loan made to the family for this purpose.

15-V.C. HOUSING QUALITY STANDARDS

All standard HQS requirements apply to cooperative housing units. There are no additional HQS requirements.

PART VI: MANUFACTURED HOMES

[24 CFR 982.620 through 982.624; FR Notice 1/18/17]

15-VI.A. OVERVIEW

A manufactured home is a manufactured structure, transportable in one or more parts, that is built on a permanent chassis, and designed for use as a principal place of residence. HCV-assisted families may occupy manufactured homes in two different ways.

(1) A family can choose to rent a manufactured home already installed on a space and the GRHC must permit it. In this instance program rules are the same as when a family rents any other residential housing, except that there are special HQS requirements as provided in 15-VI.D below.

(2) HUD also permits an otherwise eligible family that owns a manufactured home to rent a space for the manufactured home and receive HCV assistance with the rent for the space as well as certain other housing expenses. The GRHC may, but are not required to, provide assistance for such families.

The GRHC will permit participants to lease up Manufactured Home units.

15-VI.B. SPECIAL POLICIES FOR MANUFACTURED HOME OWNERS WHO LEASE A SPACE

Family Income

In determining the annual income of families leasing manufactured home spaces, the value of the family's equity in the manufactured home in which the family resides is not counted as a family asset.

Lease and HAP Contract

There is a separate Tenancy Addendum (Form 52642-a) and separate HAP Contract (Form 52642) for this special housing type.

15-VI.C. PAYMENT STANDARD, UTILITY ALLOWANCE AND HAP CALCULATION [FR Notice 1/18/17]

Payment Standards

The GRHC payment standard for manufactured homes is determined in accordance with 24 CFR 982.505 and is the payment standard used for the PHA's HCV program. It is based on the applicable FMR for the area in which the manufactured home space is located.

The payment standard for the family is the lower of the family unit size (voucher size) or the payment standard for the number of bedrooms in the manufactured home.

Utility Allowance

The GRHC will establish utility allowances for manufactured home space rental. For the first 12 months of the initial lease term only, the allowance must include an amount for a utility hook-up charge if the family actually incurred a hook-up charge because of a move. This allowance will not be given to a family that leases in place. Utility allowances for manufactured home space must not include the costs of digging a well or installing a septic system.

If the amount of the monthly assistance payment for a family exceeds the monthly rent for the manufactured home space (including the owner's monthly management and maintenance charges), the GRHC may pay the remainder to the family, lender, or utility company, if necessary.

Space Rent

The rent for the manufactured home space (including other eligible housing expenses) is the total of:

- The rent charged for the manufactured home space;
- Owner maintenance and management charges for the space;
- The monthly payments made by the family to amortize the cost of purchasing the manufactured home, including any required insurance and property taxes; and
- The applicable allowance for tenant-paid utilities.

Amortization Costs

The monthly payment made by the family to amortize the cost of purchasing the manufactured home is the debt service established at the time of application to a lender for financing the purchase of the manufactured home if monthly payments are still being made. Any increase in debt service due to refinancing after purchase of the home may not be included in the amortization cost. Debt service for set-up charges incurred by a family may be included in the monthly amortization payments made by the family. In addition, set-up charges incurred before the family became an assisted family may be included in the amortization cost if monthly payments are still being made to amortize the charges.

Housing Assistance Payment

The HAP for a manufactured home space under the housing choice voucher program is the lower of the payment standard minus the TTP or the manufactured home space rent (including other eligible housing expenses) minus the TTP.

Rent Reasonableness

Initially, and annually thereafter the GRHC will determine that the rent for the manufactured home space is reasonable based on rents for comparable manufactured home spaces. The GRHC will consider the location and size of the space, and any services and maintenance to be provided by the owner. By accepting the monthly HAP check, the owner certifies that the rent does not exceed rents charged by the owner for comparable unassisted spaces in the manufactured home park or elsewhere.

15-VI.D. HOUSING QUALITY STANDARDS

Under either type of occupancy described in 15-VI.A above, the manufactured home must meet all HQS performance requirements and acceptability criteria discussed in Chapter 8 of this plan. In addition, the following requirement applies:

Manufactured Home Tie-Down

A manufactured home must be placed on the site in a stable manner, and must be free from hazards such as sliding or wind damage. The home must be securely anchored by a tie-down device that distributes and transfers the loads imposed by the unit to appropriate ground anchors to resist overturning and sliding.

PART VII: HOMEOWNERSHIP

[24 CFR 982.625 through 982.643]

15-VII.A. OVERVIEW [24 CFR 982.625]

The homeownership option is used to assist a family residing in a home purchased and owned by one or more members of the family. A family assisted under this option may be newly admitted or an existing participant in the HCV program. The GRHC has the capacity to operate a successful HCV homeownership program as defined by the regulations.

There are two forms of homeownership assistance described in the regulations: monthly homeownership assistance payments and single down payment assistance grants. However, the GRHC will not offer down payment assistance until and unless funding is allocated by Congress. Since this has not yet happened, only monthly homeownership assistance may be offered.

The GRHC will offer homeownership assistance if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities. It is the sole responsibility of the PHA to determine whether it is reasonable to implement a homeownership program as a reasonable accommodation. The PHA must determine what is reasonable based on the specific circumstances and individual needs of the person with a disability. The PHA may determine that it is not reasonable to offer homeownership assistance as a reasonable accommodation in cases where the PHA has otherwise opted not to implement a homeownership program.

The GRHC will approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities.

The GRHC will permit participants to exercise the Homeownership option.

15-VII.B. FAMILY ELIGIBILITY [24 CFR 982.627]

The family must meet all of the requirements listed below before the commencement of homeownership assistance.

- The family must have been admitted to the Housing Choice Voucher program.
- The family must qualify as a first-time homeowner, or may be a cooperative member.
- The family must meet the Federal minimum income requirement. The family must have a gross annual income equal to the Federal minimum wage multiplied by 2000, based on the income of adult family members who will own the home. The GRHC will not establish a higher income standard for families. However, a family that meets the federal minimum income requirement (but not the GRHC's requirement) will be considered to meet the minimum income requirement if it can demonstrate that it has been pre-qualified or pre-approved for financing that is sufficient to purchase an eligible unit.
- For disabled families, the minimum income requirement is equal to the current SSI monthly payment for an individual living alone, multiplied by 12.
- For elderly or disabled families, welfare assistance payments for adult family members who will own the home will be included in determining whether the family meets the minimum income requirement. It will not be included for other families.
- The family must satisfy the employment requirements by demonstrating that one or more adult members of the family who will own the home at commencement of homeownership assistance is

currently employed on a full-time basis (the term 'full-time employment' means not less than an average of 30 hours per week); and has been continuously so employed during the year before commencement of homeownership assistance for the family.

- The employment requirement does not apply to elderly and disabled families. In addition, if a family, other than an elderly or disabled family includes a person with disabilities, the GRHC will grant an exemption from the employment requirement if the GRHC determines that it is needed as a reasonable accommodation.
- The family has not defaulted on a mortgage securing debt to purchase a home under the homeownership option
- Except for cooperative members who have acquired cooperative membership shares prior to commencement of homeownership assistance, no family member has a present ownership interest in a residence at the commencement of homeownership assistance for the purchase of any home.
- Except for cooperative members who have acquired cooperative membership shares prior to the commencement of homeownership assistance, the family has entered a contract of sale in accordance with 24 CFR 982.631(c).

15-VII.C. SELECTION OF FAMILIES [24 CFR 982.626]

Unless otherwise provided (under the homeownership option), the GRHC may limit homeownership assistance to families or purposes defined by the PHA, and may prescribe additional requirements for commencement of homeownership assistance for a family.

The GRHC will not limit the number of participating families in the Homeownership program.

15-VII.D. ELIGIBLE UNITS [24 CFR 982.628]

In order for a unit to be eligible, the GRHC will determine that the unit satisfies all of the following requirements:

- The unit must meet HUD's "eligible housing" requirements. The unit may not be any of the following:
 - A public housing or Indian housing unit;
 - A unit receiving Section 8 project-based assistance;
 - A nursing home, board and care home, or facility providing continual psychiatric, medical or nursing services;
 - A college or other school dormitory;
 - On the grounds of penal, reformatory, medical, mental, or similar public or private institutions.
- The unit must be under construction or already exist at the time the family enters into the contract of sale.
- The unit must be a one-unit property or a single dwelling unit in a cooperative or condominium.
- The unit must have been inspected by the GRHC and by an independent inspector designated by the family.
- The unit must meet Housing Quality Standards (see Chapter 8).
- For a unit where the family will not own fee title to the real property (such as a manufactured home),

the home must have a permanent foundation and the family must have the right to occupy the site for at least 40 years.

- For GRHC-owned units all of the following conditions must be satisfied:
 - The GRHC informs the family, both orally and in writing, that the family has the right to purchase any eligible unit and a GRHC-owned unit is freely selected by the family without PHA pressure or steering;
 - The unit is not ineligible housing;
 - The GRHC obtains the services of an independent agency to inspect the unit for compliance with HQS, review the independent inspection report, review the contract of sale, determine the reasonableness of the sales price and any GRHC provided financing. All of these actions must be completed in accordance with program requirements.

The GRHC will not approve the unit if the GRHC has been informed that the seller is debarred, suspended, or subject to a limited denial of participation.

The GRHC will limit the search period for a homeownership unit to 120 calendar days, unless an extension has been provided by the GRHC.

15-VII.E. ADDITIONAL GRHC REQUIREMENTS FOR SEARCH AND PURCHASE [24 CFR 982.629]

It is the family's responsibility to find a home that meets the criteria for voucher homeownership assistance. The GRHC will establish the maximum time (120 calendar days, and extensions if necessary) that will be allowed for a family to locate and purchase a home, and may require the family to report on their progress in finding and purchasing a home. If the family is unable to purchase a home within the maximum time established by the GRHC, the GRHC may issue the family a voucher to lease a unit or place the family's name on the waiting list for a voucher.

15-VII.F. HOMEOWNERSHIP COUNSELING [24 CFR 982.630]

Before commencement of homeownership assistance for a family, the family must attend and satisfactorily complete the pre-assistance homeownership and housing counseling program required by the GRHC. HUD suggests the following topics for the GRHC-required pre-assistance counseling:

- Home maintenance (including care of the grounds);
- Budgeting and money management;
- Credit counseling;
- How to negotiate the purchase price of a home;
- How to obtain homeownership financing and loan pre-approvals, including a description of types of financing that may be available, and the pros and cons of different types of financing;
- How to find a home, including information about homeownership opportunities, schools, and transportation in the GRHC jurisdiction;
- Advantages of purchasing a home in an area that does not have a high concentration of low-income families and how to locate homes in such areas;
- Information on fair housing, including fair housing lending and local fair housing enforcement

agencies; and

- Information about the Real Estate Settlement Procedures Act (12 U.S.C. 2601 et seq.) (RESPA), state and Federal truth-in-lending laws, and how to identify and avoid loans with oppressive terms and conditions.

The GRHC will adapt the subjects covered in pre-assistance counseling (as listed) to local circumstances and the needs of individual families.

The GRHC may also offer additional counseling after commencement of homeownership assistance (ongoing counseling). If the GRHC offers a program of ongoing counseling for participants in the homeownership option, the GRHC shall have discretion to determine whether the family is required to participate in the ongoing counseling.

If the GRHC does not use a HUD-approved housing counseling agency to provide the counseling, the GRHC should ensure that its counseling program is consistent with the counseling provided under HUD's Housing Counseling program.

The GRHC will require the family to attend and satisfactorily complete the pre-assistance homeownership and housing counseling program that includes the following:

- Home maintenance (including care of the grounds);
- Budgeting and money management;
- Credit counseling;
- How to negotiate the purchase price of a home;
- How to obtain homeownership financing and loan pre-approvals, including a description of types of financing that may be available, and the pros and cons of different types of financing;
- How to find a home, including information about homeownership opportunities, schools, and transportation in the PHA jurisdiction;
- Advantages of purchasing a home in an area that does not have a high concentration of low-income families and how to locate homes in such areas;
- Information on fair housing, including fair housing lending and local fair housing enforcement agencies; and
- Information about the Real Estate Settlement Procedures Act (12 U.S.C. 2601 et seq.) (RESPA), state and Federal truth-in-lending laws, and how to identify and avoid loans with oppressive terms and conditions.

The GRHC may allow substitutions of the course requirements on a case-by-case basis. The GRHC will have discretion to determine whether the family will participate in on-going counseling. The GRHC will use a HUD approved housing counseling agency to provide the homeownership counseling.

15-VII.G. HOME INSPECTIONS, CONTRACT OF SALE, AND PHA DISAPPROVAL OF SELLER [24 CFR 982.631]

Home Inspections

The GRHC will not commence monthly homeownership assistance payments for a family until the GRHC has inspected the unit and has determined that the unit passes HQS.

An independent professional inspector selected by and paid for by the family must also inspect the unit. The independent inspection must cover major building systems and components, including foundation and structure, housing interior and exterior, and the roofing, plumbing, electrical, and heating systems. The independent inspector must be qualified to report on property conditions, including major building systems and components.

The GRHC will not require the family to use an independent inspector selected by the GRHC. The independent inspector may not be a GRHC employee or contractor, or other person under control of the GRHC. However, the GRHC may establish standards for qualification of inspectors selected by families under the homeownership option.

The GRHC may disapprove a unit for assistance based on information in the independent inspector's report, even if the unit was found to comply with HQS.

Contract of Sale

Before commencement of monthly homeownership assistance payments, a member or members of the family must enter into a contract of sale with the seller of the unit to be acquired by the family. The family must give the GRHC a copy of the contract of sale. The contract of sale must:

- Specify the price and other terms of sale by the seller to the purchaser;
- Provide that the purchaser will arrange for a pre-purchase inspection of the dwelling unit by an independent inspector selected by the purchaser;
- Provide that the purchaser is not obligated to purchase the unit unless the inspection is satisfactory to the purchaser;
- Provide that the purchaser is not obligated to pay for any necessary repairs; and
- Contain a certification from the seller that the seller has not been debarred, suspended, or subject to a limited denial of participation under CFR part 24.

Disapproval of a Seller

In its administrative discretion, the GRHC may deny approval of a seller for the same reasons a GRHC may disapprove an owner under the regular HCV program [see 24 CFR 982.306(c)].

15-VII.H. FINANCING [24 CFR 982.632]

The GRHC may establish requirements for financing purchase of a home under the homeownership option. This may include requirements concerning qualification of lenders, terms of financing, restrictions concerning debt secured by the home, lender qualifications, loan terms, and affordability of the debt.

The GRHC will not approve the purchase of a home if the family's housing costs (i.e., PITI and utilities) are greater than 40% of their annual income.

15-VII.I. CONTINUED ASSISTANCE REQUIREMENTS; FAMILY OBLIGATIONS [24 CFR 982.633]

Homeownership assistance may only be paid while the family is residing in the home. If the family moves out of the home, the GRHC may not continue homeownership assistance after the month when the family moves out. The family or lender is not required to refund to the GRHC the homeownership assistance for the month when the family moves out.

Before commencement of homeownership assistance, the family must execute a statement in which the family agrees to comply with all family obligations under the homeownership option.

The family must comply with the following obligations:

- The family must comply with the terms of the mortgage securing debt incurred to purchase the home, or any refinancing of such debt.
- The family may not convey or transfer ownership of the home, except for purposes of financing, refinancing, or pending settlement of the estate of a deceased family member. Use and occupancy of the home are subject to 24 CFR 982.551 (h) and (i).
- The family must supply information to the GRHC or HUD as specified in 24 CFR 982.551(b). The family must further supply any information required by the GRHC or HUD concerning mortgage financing or refinancing, sale or transfer of any interest in the home, or homeownership expenses.
- The family must notify the GRHC before moving out of the home.
- The family must notify the GRHC if the family defaults on the mortgage used to purchase the home.
- No family member may have any ownership interest in any other residential property.
- The family must comply with the obligations of a participant family described in 24 CFR 982.551, except for the following provisions which do not apply to assistance under the homeownership option: 24 CFR 982.551(c), (d), (e), (f), (g) and (j).

15-VII.J. MAXIMUM TERM OF HOMEOWNER ASSISTANCE [24 CFR 982.634]

Except in the case of a family that qualifies as an elderly or disabled family, other family members (described below) shall not receive homeownership assistance for more than:

- Fifteen years, if the initial mortgage incurred to finance purchase of the home has a term of 20 years or longer; or
- Ten years, in all other cases.

The maximum term described above applies to any member of the family who:

- Has an ownership interest in the unit during the time that homeownership payments are made; or
- Is the spouse of any member of the household who has an ownership interest in the unit during the time homeownership payments are made.

In the case of an elderly family, the exception only applies if the family qualifies as an elderly family at the start of homeownership assistance. In the case of a disabled family, the exception applies if at any time during receipt of homeownership assistance the family qualifies as a disabled family.

If, during the course of homeownership assistance, the family ceases to qualify as a disabled or elderly family, the maximum term becomes applicable from the date homeownership assistance commenced. However, such a family must be provided at least 6 months of homeownership assistance after the maximum term becomes applicable (provided the family is otherwise eligible to receive homeownership assistance).

If the family has received such assistance for different homes, or from different PHAs, the total of such assistance terms is subject to the maximum term described in this part.

15-VII.K. HOMEOWNERSHIP ASSISTANCE PAYMENTS AND HOMEOWNERSHIP EXPENSES [24 CFR 982.635]

The monthly homeownership assistance payment is the lower of: the voucher payment standard minus the total tenant payment, or the monthly homeownership expenses minus the total tenant payment.

In determining the amount of the homeownership assistance payment, the GRHC will use the same payment standard schedule, payment standard amounts, and subsidy standards as those described elsewhere in this plan for the Housing Choice Voucher program. The payment standard for a family is the greater of (i) The payment standard as determined at the commencement of homeownership assistance for occupancy of the home, or (ii) The payment standard at the most recent regular reexamination of family income and composition since the commencement of homeownership assistance for occupancy of the home.

The GRHC may pay the homeownership assistance payments directly to the family, or at the GRHC's discretion, to a lender on behalf of the family. If the assistance payment exceeds the amount due to the lender, the GRHC must pay the excess directly to the family.

Homeownership assistance for a family terminates automatically 180 calendar days after the last homeownership assistance payment on behalf of the family. However, the GRHC may grant relief from this requirement in those cases where automatic termination would result in extreme hardship for the family.

Homeownership expenses (not including cooperatives) only include amounts allowed by the GRHC to cover:

- Principal and interest on initial mortgage debt, any refinancing of such debt, and any mortgage insurance premium incurred to finance purchase of the home;
- Real estate taxes and public assessments on the home;
- Home insurance;
- The GRHC allowance for maintenance expenses;
- The GRHC allowance for costs of major repairs and replacements;
- The GRHC utility allowance for the home;
- Principal and interest on mortgage debt incurred to finance costs for major repairs, replacements or improvements for the home. If a member of the family is a person with disabilities, such debt may include debt incurred by the family to finance costs needed to make the home accessible for such person, if the GRHC determines that allowance of such costs as homeownership expenses is needed as a reasonable accommodation so that the homeownership option is readily accessible to and usable by such person;
- Land lease payments where a family does not own fee title to the real property on which the home is located; [see 24 CFR 982.628(b)].
- For a condominium unit, condominium operating charges or maintenance fees assessed by the condominium homeowner association.

Homeownership expenses for a cooperative member may only include amounts allowed by the PHA to cover:

- The cooperative charge under the cooperative occupancy agreement including payment for real estate taxes and public assessments on the home;
- Principal and interest on initial debt incurred to finance purchase of cooperative membership shares and any refinancing of such debt;
- Home insurance;
- The GRHC allowance for maintenance expenses;
- The GRHC allowance for costs of major repairs and replacements;
- The GRHC utility allowance for the home; and
- Principal and interest on debt incurred to finance major repairs, replacements or improvements for the home. If a member of the family is a person with disabilities, such debt may include debt incurred by the family to finance costs needed to make the home accessible for such person, if the PHA determines that allowance of such costs as homeownership expenses is needed as a reasonable accommodation so that the homeownership option is readily accessible to and usable by such person.
- Cooperative operating charges or maintenance fees assessed by the cooperative homeowner association.

15-VII.L. PORTABILITY [24 CFR 982.636, 982.637, 982.353(b) and (c), 982.552, 982.553]

Subject to the restrictions on portability included in HUD regulations and GRHC policies, a family may exercise portability if the receiving PHA is administering a voucher homeownership program and accepting new homeownership families. The receiving PHA

may absorb the family into its voucher program, or bill the initial PHA.

The family must attend the briefing and counseling sessions required by the receiving PHA. The receiving PHA will determine whether the financing for, and the physical condition of the unit, are acceptable. The receiving PHA must promptly notify the initial PHA if the family has purchased an eligible unit under the program, or if the family is unable to purchase a home within the maximum time established by the PHA.

15-VII.M. MOVING WITH CONTINUED ASSISTANCE [24 CFR 982.637]

A family receiving homeownership assistance may move with continued tenant-based assistance. The family may move with voucher rental assistance or with voucher homeownership assistance. Continued tenant-based assistance for a new unit cannot begin so long as any family member holds title to the prior home.

The GRHC may deny permission to move to a new unit with continued voucher assistance:

- If the PHA has insufficient funding to provide continued assistance.
- In accordance with 24 CFR 982.638, regarding denial or termination of assistance.
- In accordance with the PHA's policy regarding number of moves within a 12-month period.

The GRHC will allow Homeownership program participants to move to a new unit with continued voucher assistance.

The GRHC will deny the family permission to move to a new unit with continued voucher rental assistance if:

- The family defaulted on an FHA-insured mortgage; and
- The family fails to demonstrate that the family has conveyed, or will convey, title to the home, as required by HUD, to HUD or HUD's designee; and the family has moved, or will move, from the home within the period established or approved by HUD.

15-VII.N. DENIAL OR TERMINATION OF ASSISTANCE [24 CFR 982.638]

At any time, the GRHC may deny or terminate homeownership assistance in accordance with HCV program requirements in 24 CFR 982.552 (Grounds for denial or termination of assistance) or 24 CFR 982.553 (Crime by family members).

The GRHC may also terminate assistance for violation of participant obligations described in 24 CFR Parts 982.551 or 982.633 and in accordance with its own policy.

The GRHC will terminate voucher homeownership assistance for any member of family receiving homeownership assistance that is dispossessed from the home pursuant to a judgment or order of foreclosure on any mortgage (whether FHA insured or non-FHA) securing debt incurred to purchase the home, or any refinancing of such debt.

15-VIII. SECTION 8 MODERATE REHABILITATION PROGRAM

[24CFR PART 882]

15.VIII.A. OVERVIEW

The purpose of the Moderate Rehabilitation Program (MRP) is to upgrade substandard rental housing and to provide rental subsidies for low-income families. As outlined in 24 CFR Part 882, existing structures of various types may be appropriate for this program including single-family houses, multi-family structures and group homes.

GRHC administers the Section 8 Moderate Rehabilitation Program at designated properties in the county of Kent by following the above cited CFR.

PART IX. FAMILY SELF-SUFFICIENCY PROGRAM

[24 CFR Part 984]

16.I.A OVERVIEW

GRHC Administers a Family Self-Sufficiency Program in compliance with 24 CFR Part 984 with funding received from HUD. Please refer to the FSS Action Plan located at grhousing.org for more information.

Chapter 16

PROGRAM ADMINISTRATION

| | |
|---|----|
| INTRODUCTION | 3 |
| PART I: ADMINISTRATIVE FEE RESERVE [24 CFR 982.155]..... | 4 |
| PART II: SETTING PROGRAM STANDARDS AND SCHEDULES | 5 |
| 16-II.A. OVERVIEW | 5 |
| 16-II.B. PAYMENT STANDARDS [24 CFR 982.503; HCV GB, Chapter 7]..... | 5 |
| 16-II.C. UTILITY ALLOWANCES [24 CFR 982.517] | 8 |
| PART III: INFORMAL REVIEWS AND HEARINGS..... | 10 |
| 16-III.A. OVERVIEW | 10 |
| 16-III.B. INFORMAL REVIEWS..... | 10 |
| 16-III.C. INFORMAL HEARINGS FOR PARTICIPANTS [24 CFR 982.555] | 13 |
| 16-III.D. HEARING AND APPEAL PROVISIONS FOR NONCITIZENS [24 CFR 5.514]. | 21 |
| PART IV: OWNER OR FAMILY DEBTS TO THE PHA..... | 25 |
| 16-IV.A. OVERVIEW | 25 |
| 16-IV.B. REPAYMENT POLICY | 25 |
| PART V: SECTION 8 MANAGEMENT ASSESSMENT PROGRAM (SEMAP) | 28 |
| 16-V.A. OVERVIEW | 28 |
| 16-V.B. SEMAP INDICATORS [24 CFR 985.3 and form HUD-52648] | 28 |
| PART VI: RECORD KEEPING..... | 32 |
| 16-VI.A. OVERVIEW | 32 |
| 16-VI.B. RECORD RETENTION [24 CFR 982.158] | 32 |
| 16-VI.C. RECORDS MANAGEMENT | 33 |
| PART VII: REPORTING AND RECORD KEEPING FOR CHILDREN WITH ELEVATED BLOOD LEAD LEVEL | 35 |
| 16-VII.A. OVERVIEW | 35 |
| 16-VII.B. REPORTING REQUIREMENT [24 CFR 35.1225(e); Notice PIH 2017-13]..... | 35 |
| 16-VII.C. DATA COLLECTION AND RECORD KEEPING [24 CFR 35.1225(f)]..... | 35 |
| PART VIII: DETERMINATION OF INSUFFICIENT FUNDING | 36 |
| 16-VIII.A. OVERVIEW | 36 |
| 16-VIII.B. METHODOLOGY | 36 |

| | |
|---|----|
| PART IX: VIOLENCE AGAINST WOMEN ACT (VAWA): NOTIFICATION, DOCUMENTATION, CONFIDENTIALITY | 37 |
| 16-IX.A. OVERVIEW | 37 |
| 16-IX.B. DEFINITIONS [24 CFR 5.2003, 42 USC 13925] | 37 |
| 16-IX.C. NOTIFICATION [24 CFR 5.2005(a)] | 38 |
| 16-IX.D. DOCUMENTATION [24 CFR 5.2007]..... | 39 |
| 16-IX.E. CONFIDENTIALITY [24 CFR 5.2007(b)(4)] | 41 |
| EXHIBIT 16-1: SAMPLE Notice of Occupancy Rights Under the Violence Against Women Act, Form HUD-5380 | 42 |
| EXHIBIT 16-2: Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternate Documentation, Form HUD-5382 | 47 |
| EXHIBIT 16-3: EMERGENCY TRANSFER PLAN FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, or STALKING (HCV VERSION) | 49 |
| EXHIBIT 16-4: Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, FORM HUD-5383 | 52 |
| MODEL OWNER NOTIFICATION OF RIGHTS AND OBLIGATIONS | 55 |

INTRODUCTION

This chapter discusses administrative policies and practices that are relevant to the activities covered in this plan. The policies are discussed in seven parts as described below:

Part I: Administrative Fee Reserve. This part describes the GRHC's policies with regard to oversight of expenditures from its administrative fee reserve.

Part II: Setting Program Standards and Schedules. This part describes what payment standards are, and how they are updated, as well as how utility allowances are established and revised.

Part III: Informal Reviews and Hearings. This part outlines the requirements and procedures for informal reviews and hearings, and for informal hearings regarding citizenship status.

Part IV: Owner or Family Debts to the GRHC. This part describes policies for recovery of monies that the GRHC has overpaid on behalf of families, or to owners, and describes the circumstances under which the GRHC will offer repayment agreements to owners and families. Also discussed are the consequences for failure to make payments in accordance with a repayment agreement.

Part V: Section 8 Management Assessment Program (SEMAP). This part describes what the SEMAP scores represent, how they are established, and how those scores affect the GRHC.

Part VI: Record-Keeping. All aspects of the program involve certain types of record-keeping. This part outlines the privacy rights of applicants and participants and record retention policies the GRHC will follow.

Part VII: Reporting and Record Keeping for Children with Elevated Blood Lead Level. This part describes the GRHC's responsibilities for reporting, data collection, and record keeping relative to children with elevated blood lead levels that are less than six years of age, and are receiving HCV assistance.

Part VIII: Determination of Insufficient Funding. This part describes the GRHC's policies for determining if there is sufficient funding to issue vouchers, to approve moves to higher cost units or areas, and to continue assistance for all participant families.

Part IX: Violence against Women Act (VAWA): Notification, Documentation, Confidentiality. This part contains key terms used in VAWA and describes requirements related to notifying families and owners about their rights and responsibilities under VAWA; requesting documentation from victims of domestic violence, dating violence, sexual assault, and stalking; and maintaining the confidentiality of information obtained from victims.

PART I: ADMINISTRATIVE FEE RESERVE [24 CFR 982.155]

The GRHC will maintain administrative fee reserves, or unrestricted net position (UNP) for the program to pay program administrative expenses in excess of administrative fees paid by HUD for a GRHC fiscal year. HUD appropriations acts beginning with FFY 2004 have specified that administrative fee funding may be used only for activities related to the provision of HCV assistance, including related development activities. Notice PIH 2012-9 cites two examples of related development activities: unit modification for accessibility purposes and development of project-based voucher units. The notice makes clear that other activities may also qualify as related development activities. Administrative fees that remain in the UNP account from funding provided prior to 2004 may be used for “other housing purposes permitted by state and local law,” in accordance with 24 CFR 982.155(b)(1).

If the GRHC has not adequately administered its HCV program, HUD may prohibit use of funds in the UNP Account and may direct the GRHC to use funds in that account to improve administration of the program, for HCV HAP expenses, or to reimburse ineligible expenses in accordance with the regulation at 24 CFR 982.155(b)(3).

HUD requires the GRHC Board of Commissioners or other authorized officials to establish the maximum amount that may be charged against the UNP account without specific approval.

Expenditures from the UNP account will be made in accordance with all applicable federal requirements. Expenditures will not exceed \$10,000 per occurrence without the prior approval of the GRHC’s Board of Commissioners.

PART II: SETTING PROGRAM STANDARDS AND SCHEDULES

16-II.A. OVERVIEW

Although many of the program's requirements are established centrally by HUD, the HCV program's regulations recognize that some flexibility is required to allow the GRHC to adapt the program to local conditions. This part discusses how the GRHC establishes and updates certain schedules and standards that are used to administer the program locally. Details about how these schedules are applied to individual families are provided in other chapters. The schedules and standards discussed here include:

- *Payment Standards*, which dictate the maximum subsidy a family can receive (application of the payment standards is discussed in Chapter 6); and
- *Utility Allowances*, which specify how a family's payment should be adjusted to account for tenant-paid utilities (application of utility allowances is discussed in Chapter 6).
 - Copies of the payment standard and utility allowance schedules are available for review in the GRHC's offices during normal business hours and on www.grhousing.org.
 - Families, owners, and members of the public may submit written comments on the schedules discussed in this part, at any time, for consideration during the next revision cycle.
 - The GRHC will maintain documentation to support its annual review of payment standards and utility allowance schedules. This documentation will be retained for at least 3 years.

Establishing and updating the GRHC passbook rate, which is used to calculate imputed income from assets, is covered in Chapter 6 (see Section 6-I.G.).

16-II.B. PAYMENT STANDARDS [24 CFR 982.503; HCV GB, Chapter 7]

The payment standard sets the maximum subsidy payment a family can receive from the GRHC each month [24 CFR 982.505(a)]. Payment standards are based on fair market rents (FMRs) published annually by HUD. FMRs are set at a percentile within the rent distribution of standard quality rental housing units in each FMR area. For most jurisdictions FMRs are set at the 40th percentile of rents in the market area.

The GRHC will establish a payment standard schedule that establishes payment standard amounts for each FMR area within the GRHC's jurisdiction, and for each unit size within each of the FMR areas. For each unit size, the GRHC may establish a single payment standard amount for the whole FMR area, or may set different payment standards for different parts of the FMR area. Unless HUD grants an exception, the GRHC is required to establish a payment standard within a "basic range" established by HUD – between 90 and 110 percent of the published FMR for each unit size.

Updating Payment Standards

When HUD updates its FMRs, the GRHC will update its payment standards if the standards are no longer within the basic range [24 CFR 982.503(b)]. HUD may require the GRHC to make further adjustments if it determines that rent burdens for assisted families in the GRHC's jurisdiction are unacceptably high [24 CFR 982.503(g)].

The GRHC will review the appropriateness of the payment standards on an annual basis when the new FMR is published, and at other times as determined necessary. In addition to ensuring the payment standards are always within the "basic range" the GRHC will consider the following factors when determining whether an adjustment should be made to the payment standard schedule:

- **Funding Availability:** The GRHC will review the budget to determine the impact projected subsidy adjustments will have on funding available for the program and the number of families served. The GRHC will compare the number of families who could be served under revised payment standard amounts with the number assisted under current payment standard amounts.
- **Rent Burden of Participating Families:** Rent burden will be determined by identifying the percentage of families, for each unit size, that are paying more than 30 percent of their monthly adjusted income as the family share. When 40 percent or more of families, for any given unit size, are paying more than 30 percent of adjusted monthly income as the family share, the GRHC will consider increasing the payment standard. In evaluating rent burdens, the GRHC will not include families renting a larger unit than their family unit size.
- **Quality of Units Selected:** The GRHC may review the quality of units selected by participant families when making the determination of the percent of income families are paying for housing, to ensure that payment standard increases are only made when needed to reach the mid-range of the market.
- **Changes in Rent to Owner:** The GRHC may review a sample of the units to determine how often owners are increasing or decreasing rents and the average percent of increases/decreases by bedroom size.
- **Unit Availability:** The GRHC will review the availability of units for each unit size, particularly in areas with low concentrations of poor and minority families.
- **Lease-up Time and Success Rate:** The GRHC will consider the percentage of families that are unable to locate suitable housing before the voucher expires and whether families are leaving the jurisdiction to find affordable housing.

Effective dates of changes to payment standard amounts will be determined at time of update. The GRHC will always ensure the payment standards will be within the basic range.

Exception Payment Standards [24 CFR 982.503(c)(5), Notice PIH 2018-01]

A non-SAFMR PHA may establish an exception payment standard for a zip code area of up to and including 110 percent of the SAFMR determined by HUD for that zip code area. Regardless of the level of the exception payment standard compared to the metropolitan area FMRs (MAFMRs), the PHA must send an email to SAFMRs@hud.gov to notify HUD that it has adopted an exception payment standard based on the SAFMR. A PHA that adopts an exception payment standard pursuant to this authority must apply it to the entire ZIP code area, for both its HCV, and if applicable, its PBV program. For the PBV program, this means that the rent to owner may not exceed the new exception payment standard amount, provided the rent is still reasonable. A PHA that adopts an exception payment standard area must revise its briefing materials to make families aware of the exception payment standard and the area that it covers.

Voluntary Use of Small Area FMRs [24 CFR 982.503, Notice PIH 2018-01]

PHAs that administer vouchers in a metropolitan area where the adoption of SAFMRs is not required may request approval from HUD to voluntarily adopt SAFMRs. SAFMRs may be voluntarily adopted for one or more zip code areas.

The GRHC will not voluntarily adopt the use of SAFMRs except to establish exception payment standards in certain zip code areas.

Unit-by-Unit Exceptions [24 CFR 982.503(b), 24 CFR 982.505(d), Notice PIH 2010-26]

Unit-by-unit exceptions to the PHA's payment standards generally are not permitted. However, an exception may be made as a reasonable accommodation for a family that includes a person with disabilities. (See Chapter 2 for a discussion of reasonable accommodations.) This type of exception does not affect the PHA's payment standard schedule.

When needed as a reasonable accommodation, the PHA may make an exception to the payment standard without HUD approval if the exception amount does not exceed 120 percent of the applicable FMR for the unit size [24 CFR 982.503(b)]. The PHA may request HUD approval for an exception to the payment standard for a particular family if the required amount exceeds 120 percent of the FMR.

A family that requires a reasonable accommodation may request a higher payment standard at the time the Request for Tenancy Approval (RTA) is submitted. The family must document the need for the exception. In order to approve an exception, or request an exception from HUD, the GRHC must determine that:

- There is a shortage of affordable units that would be appropriate for the family;
- The family's TTP would otherwise exceed 40 percent of adjusted monthly income; and
- The rent for the unit is reasonable.

"Success Rate" Payment Standard Amounts [24 CFR 982.503(e)]

If a substantial percentage of families have difficulty finding a suitable unit, the GRHC may request a "success rate payment standard" that applies to the entire jurisdiction. If approved by HUD, a success rate payment standard allows the GRHC to set its payment standards at 90-110 percent of a higher FMR (the 50th, rather than the 40th percentile FMR). To support the request, the GRHC will demonstrate that during the most recent 6-month period for which information is available:

- Fewer than 75 percent of families who were issued vouchers became participants;
- The GRHC had established payment standards for all unit sizes, and for the entire jurisdiction, at 110 percent of the published FMR; and
- The GRHC had a policy of allowing voucher holders who made sustained efforts to locate units at least 90 days to search for a unit.

Although HUD approves the success rate payment standard for all unit sizes in the FMR area, the GRHC may choose to adjust the payment standard for only some unit sizes in all, or a designated part, of the PHA's jurisdiction within the FMR area.

Decreases in the Payment Standard below the Basic Range [24 CFR 982.503(d)]

The GRHC will request HUD approval to establish a payment standard amount that is lower than the basic range. At HUD's sole discretion, HUD may approve establishment of a payment standard lower than the basic range. HUD will not approve a lower payment standard if the family share for more than 40 percent of program participants exceeds 30 percent of adjusted monthly income.

16-II.C. UTILITY ALLOWANCES [24 CFR 982.517]

A GRHC-established utility allowance schedule is used in determining family share and PHA subsidy. The GRHC will maintain a utility allowance schedule for (1) all tenant-paid utilities, (2) the cost of tenant-supplied refrigerators and ranges, and (3) other tenant-paid housing services such as trash collection.

The utility allowance schedule must be determined based on the typical cost of utilities and services paid by energy-conservative households that occupy housing of similar size and type in the same locality. In developing the schedule, the GRHC will use normal patterns of consumption for the community as a whole, and current utility rates.

The utility allowance must include the utilities and services that are necessary in the locality to provide housing that complies with housing quality standards. Costs for telephone, cable/satellite television, and internet services are not included in the utility allowance schedule.

In the utility allowance schedule, the GRHC must classify utilities and other housing services according to the following general categories: space heating; air conditioning; cooking; water heating; water; sewer; trash collection; other electric; cost of tenant-supplied refrigerator; cost of tenant-supplied range; and other specified housing services.

The cost of each utility and housing service must be stated separately by unit size and type. Chapter 18 of the *HCV Guidebook* provides detailed guidance to the GRHC about establishing utility allowance schedules.

Air Conditioning

An allowance for air-conditioning must be provided when the majority of housing units in the market have central air-conditioning or are wired for tenant-installed air conditioners.

The GRHC has included an allowance for air-conditioning in its schedule. Central air-conditioning or a portable air conditioner must be present in a unit before the GRHC will apply this allowance to a family's rent and subsidy calculations.

Utility Allowance Revisions

The GRHC will review its schedule of utility allowances each year, and will revise the schedule if there has been a change of 10 percent or more in any utility rate since the last time the allowance for that utility was revised.

The GRHC will maintain information supporting its annual review of utility allowance and any revisions made in its utility allowance schedule.

PART III: INFORMAL REVIEWS AND HEARINGS

16-III.A. OVERVIEW

Both applicants and participants have the right to disagree with, and appeal, certain decisions of the GRHC that may adversely affect them. GRHC decisions that may be appealed by applicants and participants are discussed in this section.

The process for applicant appeals of GRHC decisions is called the “informal review.” For participants (or applicants denied admission because of citizenship issues), the appeal process is called an “informal hearing.” the GRHC is required to include informal review procedures for applicants and informal hearing procedures for participants in their administrative plans [24 CFR 982.54(d)(12) and (13)].

16-III.B. INFORMAL REVIEWS

Informal reviews are provided for program applicants. An applicant is someone who has applied for admission to the program, but is not yet a participant in the program. Informal reviews are intended to provide a “minimum hearing requirement” [24 CFR 982.554], and need not be as elaborate as the informal hearing requirements [*Federal Register* 60, no. 127 (3 July 1995): 34690].

Decisions Subject to Informal Review [24 CFR 982.554(a) and (c)]

The GRHC will give an applicant the opportunity for an informal review of a decision denying assistance [24 CFR 982.554(a)]. Denial of assistance may include any or all of the following [24 CFR 982.552(a)(2)]:

- Denying listing on the GRHC waiting list
- Denying or withdrawing a voucher
- Refusing to enter into a HAP contract or approve a lease
- Refusing to process or provide assistance under portability procedures

Informal reviews are *not* required for the following reasons [24 CFR 982.554(c)]:

- Discretionary administrative determinations by the GRHC
- General policy issues or class grievances
- A determination of the family unit size under the GRHC subsidy standards
- A GRHC determination not to approve an extension of a voucher term
- A GRHC determination not to grant approval of the tenancy
- A GRHC determination that the unit is not in compliance with the HQS
- A GRHC determination that the unit is not in accordance with the HQS due to family size or composition

Notice to the Applicant [24 CFR 982.554(a)]

The GRHC will give an applicant prompt notice of a decision denying assistance. The notice must contain a brief statement of the reasons for the GRHC decision, and must also state that the applicant may request an informal review of the decision. The notice must describe how to obtain the informal review.

Scheduling an Informal Review

A request for an informal review must be made in writing and delivered to the GRHC either in person or by first class mail, portal submission or email, by the close of the business day, no later than 15 calendar days from the date of the GRHC's denial of assistance.

The GRHC must schedule and send written notice of the informal review within 15 calendar days of the family's request.

If the informal review will be conducted remotely, at the time the PHA notifies the family of the informal review, the family will be informed:

- Regarding the processes to conduct a remote informal review;
- That, if needed, the GRHC will provide technical assistance prior to and during the informal review; and
- That if the family or any individual witness has any technological, resource, or accessibility barriers preventing them from fully accessing the remote informal review, the family may inform the GRHC and the GRHC will assist the family in either resolving the issues or allow the family to participate in an in-person informal review, as appropriate.

Informal Review Procedures [24 CFR 982.554(b)]

The informal review must be conducted by a person other than the one who made or approved the decision under review, or a subordinate of this person.

The applicant must be provided an opportunity to present written or oral objections to the decision of the GRHC.

Remote Informal Reviews [Notice PIH 2020-32]

The GRHC has the sole discretion to require that informal reviews be conducted remotely in case of local, state, or national physical distancing orders, and in cases of inclement weather or natural disaster.

In addition, the GRHC will conduct an informal review remotely upon request of the applicant as a reasonable accommodation for a person with a disability, if an applicant does not have child care or transportation that would enable them to attend the informal review, or if the applicant believes an in-person informal review would create an undue health risk. The GRHC will consider other reasonable requests for a remote informal review on a case-by-case basis.

Ensuring Accessibility for Persons with Disabilities and LEP Individuals

As with in-person informal reviews, the platform for conducting remote informal reviews must be accessible to persons with disabilities and the informal review must be conducted in accordance with Section 504 and accessibility requirements. This includes ensuring any information, websites, emails, digital notifications, and other virtual platforms are accessible for

persons with vision, hearing, and other disabilities. Further, providing effective communication in a digital context may require the use of individualized auxiliary aids or services, such as audio description, captioning, sign language and other types of interpreters, keyboard accessibility, accessible documents, screen reader support, and transcripts. Auxiliary aids or services must be provided in accessible formats, in a timely manner, and in such a way to protect the privacy and independence of the individual. The GRHC will never request or require that individuals with disabilities provide their own auxiliary aids or services, including for remote informal hearings.

The GRHC is required to make reasonable accommodations in policies, practices, and procedures to ensure persons with disabilities have a full and equal opportunity to participate in and benefit from all aspects of the informal review process. See Chapter 2 for a more detailed discussion of reasonable accommodation requirements.

If no method of conducting a remote informal review is available that appropriately accommodates an individual's disability, the GRHC may not hold against the individual his or her inability to participate in the remote informal review, and the GRHC will consider whether postponing the remote informal review to a later date is appropriate or whether there is a suitable alternative.

Due to the individualized nature of disability, the appropriate auxiliary aid or service necessary, or reasonable accommodation, will depend on the specific circumstances and requirements.

As with in-person reviews, Limited English Proficiency (LEP) requirements also apply to remote informal reviews, including the use of interpretation services and document translation. See Chapter 2 for a more thorough discussion of accessibility and LEP requirements, all of which apply in the context of remote informal reviews.

Conducting Remote Informal Reviews

The GRHC will conduct remote informal reviews via a video conferencing platform, when available. If, after attempting to resolve any barriers, applicants are unable to adequately access the video conferencing platform at any point, or upon applicant request, the informal review will be conducted by telephone conferencing call-in. If the family is unable to adequately access the telephone conferencing call-in at any point, the remote informal review will be postponed, and an in-person alternative will be provided promptly within a reasonable time.

At least seven (7) calendar days prior to scheduling the remote review, the GRHC will provide the family with login information and/or conferencing call-in information and an electronic and/or physical copy of all materials being presented via first class mail and/or email. The notice will advise the family of technological requirements for the hearing and request the family notify the GRHC of any known barriers. The GRHC will resolve any barriers using the guidance in Section 6 of Notice PIH 2020-32, including offering the family the opportunity to attend an in-person hearing.

If the informal review is to be conducted remotely, the GRHC will require the family to provide any documents directly relevant to the informal review at least one (1) business day before the scheduled review through the mail, via email, or text. The GRHC will scan and email copies of these documents to the GRHC representative the same day. Documents will be shared electronically whenever possible.

The GRHC will follow up the email with a phone call and/or email to the applicant at least one business day prior to the remote informal review to ensure that the applicant received all information and is comfortable accessing the video conferencing or call-in platform.

The GRHC will ensure that all electronic information stored or transmitted with respect to the informal review is secure, including protecting personally identifiable information (PII), and meets the requirements for accessibility for persons with disabilities and persons with LEP.

Informal Review Decision [24 CFR 982.554(b)]

In rendering a decision, the GRHC will evaluate the following matters:

- Whether or not the grounds for denial were stated factually in the notice to the family.
- The validity of the grounds for denial of assistance. If the grounds for denial are not specified in the regulations, then the decision to deny assistance will be overturned.
- The validity of the evidence. The GRHC will evaluate whether the facts presented prove the grounds for denial of assistance. If the facts prove that there are grounds for denial, and the denial is required by HUD, the GRHC will uphold the decision to deny assistance.
- If the facts prove the grounds for denial, and the denial is discretionary, the GRHC will consider the recommendation of the person conducting the informal review in making the final decision whether to deny assistance.

The GRHC will notify the applicant of the final decision, including a statement explaining the reason(s) for the decision. The notice will be mailed within 15 calendar days of the informal review, to the applicant and his or her representative, if any, along with proof of mailing.

If the decision to deny is overturned as a result of the informal review, processing for admission will resume.

If the family fails to appear for their informal review, the denial of admission will stand and the family will be so notified.

16-III.C. INFORMAL HEARINGS FOR PARTICIPANTS [24 CFR 982.555]

The GRHC will offer an informal hearing for certain PHA determinations relating to the individual circumstances of a participant family. A participant is defined as a family that has been admitted to the GRHC's HCV program and is currently assisted in the program. The purpose of the informal hearing is to consider whether the GRHC's decisions related to the family's circumstances are in accordance with the law, HUD regulations and GRHC policies.

The GRHC is not permitted to terminate a family's assistance until the time allowed for the family to request an informal hearing has elapsed, and any requested hearing has been completed. Termination of assistance for a participant may include any or all of the following:

- Refusing to enter into a HAP contract or approve a lease
- Terminating housing assistance payments under an outstanding HAP contract
- Refusing to process or provide assistance under portability procedures

Decisions Subject to Informal Hearing

Circumstances for which the GRHC will give a participant family an opportunity for an informal hearing are as follows:

- A determination of the family's annual or adjusted income, and the use of such income to compute the housing assistance payment
- A determination of the appropriate utility allowance (if any) for tenant-paid utilities from the GRHC utility allowance schedule
- A determination of the family unit size under the GRHC's subsidy standards
- A determination to terminate assistance for a participant family because of the family's actions or failure to act
- A determination to terminate assistance because the participant has been absent from the assisted unit for longer than the maximum period permitted under GRHC policy and HUD rules
- A determination to terminate a family's Family Self Sufficiency contract, withhold supportive services, or propose forfeiture of the family's escrow account [24 CFR 984.303(i)]

Circumstances for which an informal hearing is not required are as follows:

- Discretionary administrative determinations by the GRHC
- General policy issues or class grievances
- Establishment of the GRHC schedule of utility allowances for families in the program
- A GRHC determination not to approve an extension of a voucher term
- A GRHC determination not to approve a unit or tenancy
- A GRHC determination that a unit selected by the applicant is not in compliance with the HQS
- A GRHC determination that the unit is not in accordance with HQS because of family size
- A determination by the GRHC to exercise or not to exercise any right or remedy against an owner under a HAP contract

Remote Informal Hearings [Notice PIH 2020-32]

The GRHC has the sole discretion to require that informal hearings be conducted remotely in case of local, state, or national physical distancing orders, in cases of inclement weather or natural disaster, and for administration efficiency.

In addition, the GRHC will conduct an informal hearing remotely upon request as a reasonable accommodation for a person with a disability, if a participant does not have child care or transportation that would enable them to attend the informal hearing, or if the participant believes an in-person hearing would create an undue health risk. The GRHC will consider other reasonable requests for a remote informal hearing on a case-by-case basis.

Ensuring Accessibility for Persons with Disabilities and LEP Individuals

As with in-person informal hearings, the platform for conducting remote informal hearings must be accessible to persons with disabilities and the informal hearings must be conducted in accordance with Section 504 and accessibility requirements. This includes ensuring any information, websites, emails, digital notifications, and other virtual platforms are accessible for persons with vision, hearing, and other disabilities. Further, providing effective communication in a digital context may require the use of individualized auxiliary aids or services, such as audio description, captioning, sign language and other types of interpreters, keyboard accessibility, accessible documents, screen reader support, and transcripts. Auxiliary aids or services must be provided in accessible formats, in a timely manner, and in such a way to protect the privacy and independence of the individual. The GRHC will never request or require that individuals with disabilities provide their own auxiliary aids or services, including for remote informal hearings.

The GRHC is required to make reasonable accommodations in policies, practices, and procedures to ensure persons with disabilities have a full and equal opportunity to participate in and benefit from all aspects of the informal hearing process. See Chapter 2 for a more detailed discussion of reasonable accommodation requirements.

If no method of conducting a remote informal hearings is available that appropriately accommodates an individual's disability, the GRHC will not hold against the individual his or her inability to participate in the remote informal hearing, and the should consider whether postponing the remote hearing to a later date is appropriate or whether there is a suitable alternative.

Due to the individualized nature of disability, the appropriate auxiliary aid or service necessary, or reasonable accommodation will depend on the specific circumstances and requirements.

As with in-person reviews, Limited English Proficiency (LEP) requirements also apply to remote informal hearings, including the use of interpretation services and document translation. See Chapter 2 for a more thorough discussion of accessibility and LEP requirements, all of which apply in the context of remote informal hearings.

Conducting Informal Hearings Remotely

The GRHC will ensure that the lack of technology or inability to use technology for remote informal hearings does not pose a disadvantage to families that may not be apparent to the GRHC. The GRHC will determine through a survey or other means if these barriers exist prior to conducting the remote informal hearing and, if the family does not have the proper technology to fully participate, either postpone the informal hearing or provide an alternative means of access.

As with in-person informal hearings, the GRHC must provide all materials presented, whether paper or electronic, to the family prior to the remote informal hearing. The family must also be provided with an accessible means by which to transmit their own evidence.

The GRHC's essential responsibility is to ensure informal hearings meet the requirements of due process and comply with HUD regulations. Therefore, all GRHC policies and processes for remote informal hearings will be conducted in accordance with due process requirements, and will be in compliance with HUD regulations at 24 CFR 982.555 and the guidance for conducting remote hearings specified in Notice PIH 2020-32.

The GRHC will conduct remote informal hearings via a video conferencing platform, when available. If, after attempting to resolve any barriers, participants are unable to adequately access the video conferencing platform at any point, or upon request, the informal hearing will be conducted by telephone conferencing call-in. If the family is unable to adequately access the telephone conferencing call-in at any point, the remote informal hearing will be postponed, and an in-person alternative will be provided promptly within a reasonable time.

At least seven (7) calendar days prior to scheduling the remote hearing, the GRHC will provide the family with login information and/or conferencing call-in information and an electronic copy of all materials being presented via first class mail and/or email. The notice will advise the family of technological requirements for the hearing and request the family notify GRHC of any known barriers. The GRHC will resolve any barriers using the guidance in Section 6 of Notice PIH 2020-32, including offering the family the opportunity to attend an in-person hearing.

The GRHC will follow up with a phone call and/or email to the family at least one business day prior to the remote informal hearing to ensure that the family received all information and is comfortable accessing the video conferencing or call-in platform.

The GRHC will ensure that all electronic information stored or transmitted with respect to the informal hearing is secure, including protecting personally identifiable information (PII), and meets the requirements for accessibility for persons with disabilities and persons with LEP.

Informal Hearing Procedures

Notice to the Family [24 CFR 982.555(c)]

When the GRHC makes a decision that is subject to informal hearing procedures, the GRHC will inform the family of its right to an informal hearing at the same time that it informs the family of the decision.

For decisions related to the family's annual or adjusted income, the determination of the appropriate utility allowance, and the determination of the family unit size, the GRHC must notify the family that they may ask for an explanation of the basis of the determination, and that if they do not agree with the decision, they may request an informal hearing on the decision.

For decisions related to the termination of the family's assistance, or the denial of a family's request for an exception to the GRHC's subsidy standards, the notice must contain a brief statement of the reasons for the decision, a statement that if the family does not agree with the decision, the family may request an informal hearing on the decision, and a statement of the deadline for the family to request an informal hearing.

In cases where the GRHC makes a decision for which an informal hearing must be offered, the notice to the family will include all of the following:

- The proposed action or decision of the GRHC.
- A brief statement of the reasons for the decision, including the regulatory reference.
- The date the proposed action will take place.
- A statement of the family's right to an explanation of the basis for the GRHC's decision.
- A statement that if the family does not agree with the decision the family may request an informal hearing of the decision.

- A deadline for the family to request the informal hearing.
- To whom the hearing request should be addressed.
- A copy of the GRHC’s hearing procedures.
- That the family may request a remote informal hearing

Scheduling an Informal Hearing [24 CFR 982.555(d)]

When an informal hearing is required, the GRHC will proceed with the hearing in a reasonably expeditious manner upon the request of the family.

A request for an informal hearing must be made in writing and delivered to the GRHC either in person or by first class mail, in person, or portal submission by the close of the business day, no later than 15 calendar days from the date of the GRHC’s decision or notice to terminate assistance.

The GRHC must schedule and send written notice of the informal hearing to the family within 15 calendar days of the family’s request.

If the GRHC hearing will be conducted remotely, at the time the notice is sent to the family, the family will be notified:

- Regarding the processes involved in a remote informal hearing;
- That the GRHC will provide technical assistance prior to and during the informal hearing, if needed; and
- That if the family or any individual witness has any technological, resource, or accessibility barriers, the family may inform the GRHC and the GRHC will assist the family in either resolving the issue or allow the family to participate in an in-person hearing, as appropriate.

The family may request to reschedule a hearing for good cause, or if it is needed as a reasonable accommodation for a person with disabilities. Good cause is defined as an unavoidable conflict which seriously affects the health, safety or welfare of the family. Requests to reschedule a hearing must be made orally or in writing prior to the hearing date. At its discretion, the GRHC may request documentation of the “good cause” prior to rescheduling the hearing.

If the family does not appear within 20 minutes of the scheduled time, and was unable to reschedule the hearing in advance due to the nature of the conflict, the family must contact the GRHC within 24 hours of the scheduled hearing date, excluding weekends and holidays. The GRHC will reschedule the hearing only if the family can show good cause for the failure to appear, or if it is needed as a reasonable accommodation for a person with disabilities. If the family cannot show good cause for the failure to appear, or a rescheduling is not needed as a reasonable accommodation, the GRHC’s decision will stand.

Pre-Hearing Right to Discovery [24 CFR 982.555(e)]

Participants and the GRHC are permitted pre-hearing discovery rights. The family must be given the opportunity to examine before the hearing any GRHC documents that are directly relevant to the hearing. The family must be allowed to copy any such documents at their own expense. If the GRHC does not make the document available for examination on request of the family, the PHA may not rely on the document at the hearing.

For the purpose of informal hearings, *documents* include records and regulations. The family will be allowed to copy any documents related to the hearing at a cost of .25 per page. The family must request discovery of GRHC documents no later than the business day prior to the scheduled hearing date.

If the hearing will be conducted remotely, the GRHC will compile a hearing packet, consisting of all documents the GRHC intends to produce at the informal hearing. The GRHC will mail copies of the hearing packet to the family, the family's representatives, if any, and the hearing officer at least three (3) calendar days before the scheduled remote informal hearing. The original hearing packet will be in the possession of the GRHC representative and retained by the GRHC. Documents will be shared electronically whenever possible.

The GRHC hearing procedures may provide that the PHA must be given the opportunity to examine at the GRHC offices before the hearing any family documents that are directly relevant to the hearing. The GRHC will be allowed to copy any such document at the GRHC's expense. If the family does not make the document available for examination on request of the GRHC, the family may not rely on the document at the hearing.

For in-person hearings, the GRHC will not require pre-hearing discovery by the GRHC of family documents directly relevant to the hearing.

If the informal hearing is to be conducted remotely, the GRHC will require the family to provide any documents directly relevant to the informal hearing at least one (1) business day before the scheduled hearing through the mail, via email, or portal submission. The GRHC will scan and email copies of these documents to the hearing officer and the GRHC representative the same day. Documents will be shared electronically whenever possible.

Participant's Right to Bring Counsel [24 CFR 982.555(e)(3)]

At its own expense, the family may be represented by a lawyer or other representative at the informal hearing.

Informal Hearing Officer [24 CFR 982.555(e)(4)]

Informal hearings will be conducted by a person or persons approved by the GRHC, other than the person who made or approved the decision or a subordinate of the person who made or approved the decision.

Attendance at the Informal Hearing

Hearings may be attended by a hearing officer and the following applicable persons:

- A GRHC representative(s) and any witnesses for the GRHC
- The participant and any witnesses for the participant
- The participant's counsel or other representative
- Any other person approved by the GRHC as a reasonable accommodation for a person with a disability

Conduct at Hearings

The hearing officer is responsible to manage the order of business and to ensure that hearings are conducted in a professional and businesslike manner. Attendees are expected to comply with all

hearing procedures established by the hearing officer and guidelines for conduct. Any person demonstrating disruptive, abusive or otherwise inappropriate behavior will be excused from the hearing at the discretion of the hearing officer.

Evidence [24 CFR 982.555(e)(5)]

The GRHC and the family must be given the opportunity to present evidence and question any witnesses. In general, all evidence is admissible at an informal hearing. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

Any evidence to be considered by the hearing officer must be presented at the time of the hearing. There are four categories of evidence.

Oral evidence: the testimony of witnesses

Documentary evidence: a writing which is relevant to the case, for example, a letter written to the GRHC. Writings include all forms of recorded communication or representation, including letters, words, pictures, sounds, videotapes or symbols or combinations thereof.

Demonstrative evidence: Evidence created specifically for the hearing and presented as an illustrative aid to assist the hearing officer, such as a model, a chart or other diagram.

Real evidence: A tangible item relating directly to the case.

Hearsay Evidence is evidence based not on a witness' personal knowledge. In and of itself, hearsay evidence carries no weight when making a finding of fact. The hearing officer may include hearsay evidence when considering their decision if it is corroborated by other evidence. Even though hearsay evidence is generally admissible in a hearing, the hearing officer will not base a hearing decision on hearsay alone unless there is clear probative value and credibility of the evidence, and the party seeking the change has met the burden of proof.

If either the GRHC (or the family, if required in a remote hearing) fail to comply with the discovery requirements described above, the hearing officer will refuse to admit such evidence.

Other than the failure of a party to comply with discovery, the hearing officer has the authority to overrule any objections to evidence.

Procedures for Rehearing or Further Hearing

The hearing officer may ask the family for additional information and/or might adjourn the hearing in order to reconvene at a later date, before reaching a decision. If the family misses an appointment or deadline ordered by the hearing officer, the action of the GRHC will take effect and another hearing will not be granted.

Hearing Officer's Decision [24 CFR 982.555(e)(6)]

The person who conducts the hearing must issue a written decision, stating briefly the reasons for the decision. Factual determinations relating to the individual circumstances of the family must be based on a preponderance of evidence presented at the hearing.

In rendering a decision, the hearing officer will consider the following matters:

GRHC Notice to the Family: The hearing officer will determine if the reasons for the GRHC's decision are factually stated in the Notice.

Discovery: The hearing officer will determine if the GRHC and the family were given the opportunity to examine any relevant documents in accordance with **GRHC policy**.

PHA Evidence to Support the PHA Decision: The evidence consists of the facts presented. Evidence is not conclusion and it is not argument. The hearing officer will evaluate the facts to determine if they support the GRHC's conclusion.

Validity of Grounds for Termination of Assistance (when applicable): The hearing officer will determine if the termination of assistance is for one of the grounds specified in the HUD regulations and GRHC policies. If the grounds for termination are not specified in the regulations or in compliance with GRHC policies, then the decision of the GRHC will be overturned.

The hearing officer will issue a written decision to the family and the GRHC no later than 15 calendar days after the hearing. The report will contain the following information:

Hearing information:

- Name of the participant;
- Date, time and place of the hearing;
- Name of the hearing officer;
- Name of the GRHC representative; and
- Name of family representative (if any).

Background: A brief, impartial statement of the reason for the hearing.

Summary of the Evidence: The hearing officer will summarize the testimony of each witness and identify any documents that a witness produced in support of his/her testimony and that are admitted into evidence.

Findings of Fact: The hearing officer will include all findings of fact, based on a preponderance of the evidence. *Preponderance of the evidence* is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

Conclusions: The hearing officer will render a conclusion derived from the facts that were found to be true by a preponderance of the evidence. The conclusion will result in a determination of whether these facts uphold the GRHC's decision.

Order: The hearing report will include a statement of whether the GRHC's decision is upheld or overturned. If it is overturned, the hearing officer will instruct the GRHC to change the decision in accordance with the hearing officer's determination. In the case of termination of assistance, the hearing officer will instruct the GRHC to restore the participant's program status.

Issuance of Decision [24 CFR 982.555(e)(6)]

The hearing officer will mail a "Notice of Hearing Decision" to the GRHC and to the participant on the same day. This notice will be sent by first-class mail. The participant will be mailed the original "Notice of Hearing Decision" and a copy of the proof of mailing. A copy of the "Notice of Hearing Decision" will be maintained in the GRHC's file.

Effect of Final Decision [24 CFR 982.555(f)]

The hearing officer will mail a "Notice of Final Decision" to the GRHC and the participant on the same day. The "Notice of Final Decision" will be sent by first-class mail. A copy of this notice will be maintained in the GRHC's file.

The GRHC is not bound by the decision of the hearing officer for matters in which the GRHC is not required to provide an opportunity for a hearing, decisions that exceed the authority of the hearing officer, decisions that conflict with or contradict HUD regulations, requirements, or are otherwise contrary to federal, state, or local laws.

If the GRHC determines it is not bound by the hearing officer's decision in accordance with HUD regulations, the GRHC must promptly notify the family of the determination and the reason for the determination.

The Executive Director has the authority to determine that the GRHC is not bound by the decision of the hearing officer because the GRHC was not required to provide a hearing, the decision exceeded the authority of the hearing officer, the decision conflicted with or contradicted HUD regulations, requirements, or the decision was otherwise contrary to federal, state, or local laws.

16-III.D. HEARING AND APPEAL PROVISIONS FOR NONCITIZENS [24 CFR 5.514]

Denial or termination of assistance based on immigration status is subject to special hearing and notice rules. Applicants who are denied assistance due to immigration status are entitled to an informal hearing, not an informal review.

Assistance to a family may not be delayed, denied, or terminated on the basis of immigration status at any time prior to a decision under the United States Citizenship and Immigration Services (USCIS) appeal process. Assistance to a family may not be terminated or denied while the GRHC hearing is pending, but assistance to an applicant may be delayed pending the completion of the informal hearing.

A decision against a family member, issued in accordance with the USCIS appeal process or the GRHC informal hearing process, does not preclude the family from exercising the right, that may otherwise be available, to seek redress directly through judicial procedures.

Notice of Denial or Termination of Assistance [24 CFR 5.514(d)]

The notice of denial or termination of assistance for noncitizens must advise the family:

- That financial assistance will be denied or terminated, and provide a brief explanation of the reasons for the proposed denial or termination of assistance.
- The family may be eligible for proration of assistance.
- In the case of a participant, the criteria and procedures for obtaining relief under the provisions for preservation of families [24 CFR 5.514 and 5.518].
- That the family has a right to request an appeal to the USCIS of the results of secondary verification of immigration status and to submit additional documentation or explanation in support of the appeal.
- That the family has a right to request an informal hearing with the GRHC either upon completion of the USCIS appeal or in lieu of the USCIS appeal.
- For applicants, assistance may not be delayed until the conclusion of the USCIS appeal process, but assistance may be delayed during the period of the informal hearing process.

USCIS Appeal Process [24 CFR 5.514(e)]

When the GRHC receives notification that the USCIS secondary verification failed to confirm eligible immigration status, the GRHC will notify the family of the results of the USCIS verification. The family will have 30 days from the date of the notification to request an appeal of the USCIS results. The request for appeal must be made by the family in writing directly to the USCIS. The family must provide the GRHC with a copy of the written request for appeal and the proof of mailing.

The family must forward to the designated USCIS office any additional documentation or written explanation in support of the appeal. This material must include a copy of the USCIS document verification request (used to process the secondary request) or such other form specified by the USCIS, and a letter indicating that the family is requesting an appeal of the USCIS immigration status verification results.

The USCIS will notify the family, with a copy to the GRHC, of its decision. When the USCIS notifies the GRHC of the decision, the GRHC will notify the family of its right to request an informal hearing. The GRHC will send written notice to the family of its right to request an informal hearing within 15 calendar days of receiving notice of the USCIS decision regarding the family's immigration status.

Informal Hearing Procedures for Applicants [24 CFR 5.514(f)]

After notification of the USCIS decision on appeal, or in lieu of an appeal to the USCIS, the family may request that the GRHC provide a hearing. The request for a hearing must be made either within 30 days of receipt of the GRHC notice of denial, or within 30 days of receipt of the USCIS appeal decision.

The informal hearing procedures for applicant families are described below.

Informal Hearing Officer

The GRHC will provide an informal hearing before an impartial individual, other than a person who made or approved the decision under review, and other than a person who is a subordinate of the person who made or approved the decision. See Section 16-III.C. for a listing of positions that serve as informal hearing officers. The GRHC has designated representatives from the following GRHC program areas and external sources to serve as hearing officers:

- QAQC
- Attorneys
- Asset Managers
- Leased Housing

Evidence

The family must be provided the opportunity to examine and copy at the family's expense, at a reasonable time in advance of the hearing, any documents in the possession of the GRHC pertaining to the family's eligibility status, or in the possession of the USCIS (as permitted by USCIS requirements), including any records and regulations that may be relevant to the hearing.

The family will be allowed to copy any documents related to the hearing at a cost of \$.25 per page. The family must request discovery of GRHC documents no later than 12:00 p.m. on the business day prior to the hearing.

The family must be provided the opportunity to present evidence and arguments in support of eligible status. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

The family must also be provided the opportunity to refute evidence relied upon by the GRHC, and to confront and cross-examine all witnesses on whose testimony or information the GRHC relies.

Representation and Interpretive Services

The family is entitled to be represented by an attorney or other designee, at the family's expense, and to have such person make statements on the family's behalf.

The family is entitled to request an interpreter. Upon request, the GRHC will provide competent interpretation services, free of charge.

Recording of the Hearing

The family is entitled to have the hearing recorded by audiotape. The PHA may, but is not required to provide a transcript of the hearing. The GRHC will not provide a transcript of an audio taped hearing.

Hearing Decision

The GRHC will provide the family with a written final decision, based solely on the facts presented at the hearing, within 15 calendar days of the date of the informal hearing. The decision must state the basis for the decision.

Informal Hearing Procedures for Residents [24 CFR 5.514(f)]

After notification of the USCIS decision on appeal, or in lieu of an appeal to the USCIS, the family may request that the GRHC provide a hearing. The request for a hearing must be made

either within 30 days of receipt of the GRHC notice of termination, or within 30 days of receipt of the USCIS appeal decision.

For the informal hearing procedures that apply to participant families whose assistance is being terminated based on immigration status, see Section 16-III.C.

Retention of Documents [24 CFR 5.514(h)]

The GRHC will retain for a minimum of 5 years the following documents that may have been submitted to the GRHC by the family, or provided to the GRHC as part of the USCIS appeal or the GRHC informal hearing process:

- The application for assistance
- The form completed by the family for income reexamination
- Photocopies of any original documents, including original USCIS documents
- The signed verification consent form
- The USCIS verification results
- The request for a USCIS appeal
- The final USCIS determination
- The request for an informal hearing
- The final informal hearing decision

PART IV: OWNER OR FAMILY DEBTS TO THE PHA

16-IV.A. OVERVIEW

The GRHC is required to include in the administrative plan, policies concerning repayment by a family of amounts owed to the PHA [24 CFR 982.54]. This part describes the GRHC's policies for recovery of monies owed to the PHA by families or owners.

When an action or inaction of an owner or participant results in the overpayment of housing assistance, the GRHC holds the owner or participant liable to return any overpayments to the GRHC.

The GRHC will enter into repayment agreements in accordance with the policies contained in this part as a means to recover overpayments.

When an owner or participant refuses to repay monies owed to the GRHC, the GRHC will utilize other available collection alternatives including, but not limited to, the following:

- Collection agencies
- Small claims court
- Civil law suit
- State income tax set-off program

16-IV.B. REPAYMENT POLICY

Owner Debts to the PHA

Any amount due to the GRHC by an owner must be repaid by the owner within 30 calendar days of the GRHC determination of the debt.

If the owner fails to repay the debt within the required time frame and is entitled to future HAP payments, the GRHC will reduce the future HAP payments by the amount owed until the debt is paid in full.

If the owner is not entitled to future GRHC payments the GRHC may, in its sole discretion, offer to enter into a repayment agreement on terms prescribed by the GRHC.

If the owner refuses to repay the debt, does not enter into a repayment agreement, or breaches a repayment agreement, the GRHC will ban the owner from future participation in the program and pursue other modes of collection.

Family Debts to the GRHC

Any amount owed to the GRHC by an HCV family must be repaid by the family. If the family is unable to repay the debt within 30 calendar days, the GRHC will offer to enter into a repayment agreement in accordance with the policies below.

If the family refuses to repay the debt, does not enter into a repayment agreement, or breaches a repayment agreement, the GRHC will terminate assistance in accordance with the policies in Chapter 12 and pursue other modes of collection.

Repayment Agreement [24 CFR 792.103]

The term *repayment agreement* refers to a formal written document signed by a tenant or owner and provided to the GRHC in which a tenant or owner acknowledges a debt in a specific amount and agrees to repay the amount due at specific time periods.

General Repayment Agreement Guidelines for Families

Down Payment Requirement

Before executing a repayment agreement with a family, the GRHC will generally require a down payment of 10 percent of the total amount owed. If the family can provide evidence satisfactory to the GRHC that a down payment of 10 percent would impose an undue hardship, the GRHC may, in its sole discretion, require a lesser percentage or waive the requirement.

Payment Thresholds

Notice PIH 2017-12 recommends that the total amount that a family must pay each month—the family’s monthly share of rent plus the monthly debt repayment amount—should not exceed 40 percent of the family’s monthly adjusted income. However, a family may already be paying 40 per cent or more of its monthly adjusted income in rent. Moreover, Notice PIH 2017-12 acknowledges that PHAs have the discretion to establish “thresholds and policies” for repayment agreements with families [24 CFR 982.552(c)(1)(vii)].

The GRHC has established the following thresholds for repayment of debts:

- Amounts between \$3,000 and the federal or state threshold for criminal prosecution must be repaid within 36 months.
- Amounts between \$2,000 and \$2,999 must be repaid within 30 months.
- Amounts between \$1,000 and \$1,999 must be repaid within 24 months.
- Amounts under \$1,000 must be repaid within 12 months.

If a family can provide evidence satisfactory to the GRHC that the threshold applicable to the family’s debt would impose an undue hardship, the GRHC may, in its sole discretion, determine that a lower monthly payment amount is reasonable. In making its determination, the GRHC will consider all relevant information, including the following:

- The amount owed by the family to the GRHC
- The reason for the debt, including whether the debt was the result of family action/inaction or circumstances beyond the family’s control
- The family’s current and potential income and expenses
- The family’s current family share, as calculated under 24 CFR 982.515
- The family’s history of meeting its financial responsibilities

Execution of the Agreement

Any repayment agreement between the GRHC and a family must be signed and dated by the GRHC and by the head of household and spouse/cohead (if applicable).

Due Dates

All payments are due by the close of business on the 15th calendar day of the month. If the 15th does not fall on a business day, the due date is the close of business on the first business day after the 15th.

Late or Missed Payments

If a payment is not received by the end of the business day on the date due, and prior approval for the missed payment has not been given by the GRHC, the GRHC will send the family a delinquency notice giving the family 15 calendar days to make the late payment. If the payment is not received by the due date of the delinquency notice, it will be considered a breach of the agreement and the GRHC will terminate assistance in accordance with the policies in Chapter 12.

If a family receives three delinquency notices for unexcused late payments in a 12-month period, the repayment agreement will be considered in default, and the GRHC will terminate assistance in accordance with the policies in Chapter 12.

No Offer of Repayment Agreement

The GRHC generally will not enter into a repayment agreement with a family if there is already a repayment agreement in place with the family or if the amount owed by the family exceeds the federal or state threshold for criminal prosecution.

Repayment Agreements Involving Improper Payments

Notice PIH 2017-12 requires certain provisions to be included in any repayment agreement involving amounts owed by a family because it underreported or failed to report income:

- A reference to the items in the family briefing packet that state the family's obligation to provide true and complete information at every reexamination and the grounds on which the GRHC may terminate assistance because of a family's action or failure to act
- A statement clarifying that each month the family not only must pay to the GRHC the monthly payment amount specified in the agreement but must also pay to the owner the family's monthly share of the rent to owner
- A statement that the terms of the repayment agreement may be renegotiated if the family's income decreases or increases
- A statement that late or missed payments constitute default of the repayment agreement and may result in termination of assistance

PART V: SECTION 8 MANAGEMENT ASSESSMENT PROGRAM (SEMAP)

16-V.A. OVERVIEW

The Section 8 Management Assessment Program (SEMAP) is a tool that allows HUD to measure GRHC performance in key areas to ensure program integrity and accountability. Due to the GRHC becoming a MTW agency, it is no longer required to submit SEMAP scoring to HUD. However, the GRHC will still utilize the SEMAP indicators as tools to measure quality and effectiveness of its applicable programs.

16-V.B. SEMAP INDICATORS [24 CFR 985.3 and form HUD-52648]

The table below lists each of the SEMAP indicators, contains a description of each indicator, and explains the basis for points awarded under each indicator.

A PHA that expends less than \$300,000 in Federal awards and whose Section 8 programs are not audited by an independent auditor, is not be rated under SEMAP indicators 1-7.

| SEMAP Indicators |
|---|
| Indicator 1: Selection from the waiting list <ul style="list-style-type: none">• This indicator shows whether the PHA has written policies in its administrative plan for selecting applicants from the waiting list and whether the PHA follows these policies when selecting applicants for admission from the waiting list. |
| Indicator 2: Rent reasonableness <ul style="list-style-type: none">• This indicator shows whether the PHA has and implements a reasonable written method to determine and document for each unit leased that the rent to owner is reasonable based on current rents for comparable unassisted units |
| Indicator 3: Determination of adjusted income <ul style="list-style-type: none">• This indicator measures whether the PHA verifies and correctly determines adjusted income for each assisted family, and where applicable, uses the appropriate utility allowances for the unit leased in determining the gross rent. |
| Indicator 4: Utility allowance schedule <ul style="list-style-type: none">• This indicator shows whether the PHA maintains an up-to-date utility allowance schedule. |

Indicator 5: HQS quality control inspections

- This indicator shows whether a PHA supervisor reinspects a sample of units under contract during the PHA fiscal year, which meets the minimum sample size requirements for quality control of HQS inspections.

Indicator 6: HQS enforcement

- This indicator shows whether, following each HQS inspection of a unit under contract where the unit fails to meet HQS, any cited life-threatening deficiencies are corrected within 24 hours from the inspection and all other deficiencies are corrected within no more than 30 calendar days from the inspection or any PHA-approved extension.

Indicator 7: Expanding housing opportunities

- Only applies to PHAs with jurisdiction in metropolitan FMR areas.
- This indicator shows whether the PHA has adopted and implemented a written policy to encourage participation by owners of units located outside areas of poverty or minority concentration; informs voucher holders of the full range of areas where they may lease units both inside and outside the PHA's jurisdiction; and supplies a list of landlords or other parties who are willing to lease units or help families find units, including units outside areas of poverty or minority concentration.

Indicator 8: FMR limit and payment standards

- This indicator shows whether the PHA has adopted a payment standard schedule that establishes payment standard amounts by unit size for each FMR area in the PHA's jurisdiction, that are within the basic range of 90 to 110 percent of the published FMR.

Indicator 9: Annual reexaminations

- This indicator shows whether the PHA completes a reexamination for each participating family at least every 12 months.

| |
|--|
| <p>Indicator 10: Correct tenant rent calculations</p> <ul style="list-style-type: none"> • This indicator shows whether the PHA correctly calculates the family’s share of the rent to owner. |
| <p>Indicator 11: Pre-contract HQS inspections</p> <ul style="list-style-type: none"> • This indicator shows whether newly leased units pass HQS inspection on or before the effective date of the assisted lease and HAP contract. |
| <p>Indicator 12: Annual HQS inspections</p> <ul style="list-style-type: none"> • This indicator shows whether the PHA inspects each unit under contract at least annually. |
| <p>Indicator 13: Lease-up</p> <ul style="list-style-type: none"> • This indicator shows whether the PHA enters HAP contracts for at least 98 percent of the number of the PHA’s baseline voucher units in the ACC for the calendar year ending on or before the PHA’s fiscal year, or whether the PHA has expended at least 98 percent of its allocated budget authority for the same calendar year. The PHA can receive 15 points if 95 to 97 percent of vouchers are leased or budget authority is utilized. |
| <p>Indicator 14: Family self-sufficiency (FSS) enrollment and escrow account balances</p> <ul style="list-style-type: none"> • Only applies to PHAs with mandatory FSS programs. • This indicator shows whether the PHA has enrolled families in the FSS program as required, and measures the percent of current FSS participants that have had increases in earned income which resulted in escrow account balances. |

Success Rate of Voucher Holders

- Only applies to PHAs that have received approval to establish success rate payment standard amounts, and isn't effective until the second full PHA fiscal year following the date of HUD approval of success rate payment standard amounts.
- This indicator shows whether voucher holders were successful in leasing units with voucher assistance.

Deconcentration Bonus Indicator

- Submission of data for this indicator is mandatory for a PHA using one or more payment standard amount(s) that exceed(s) 100 percent of the published FMR set at the 50 percentile rent, starting with the second full PHA fiscal year following initial use of payment standard amounts based on the FMRs set at the 50th percentile.

PART VI: RECORD KEEPING

16-VI.A. OVERVIEW

The GRHC will maintain complete and accurate accounts and other records for the program in accordance with HUD requirements, in a manner that permits a speedy and effective audit. All such records must be made available to HUD or the Comptroller General of the United States upon request.

In addition, the PHA must ensure that all applicant and participant files are maintained in a way that protects an individual's privacy rights.

16-VI.B. RECORD RETENTION [24 CFR 982.158]

During the term of each assisted lease, and for at least three years thereafter, the GRHC will keep:

- A copy of the executed lease;
- The HAP contract; and
- The application from the family.

In addition, the GRHC will keep the following records for at least three years:

- Records that provide income, racial, ethnic, gender, and disability status data on program applicants and participants;
- An application from each ineligible family and notice that the applicant is not eligible;
- HUD-required reports;
- Unit inspection reports;
- Lead-based paint records as required by 24 CFR 35, Subpart B.
- Accounts and other records supporting GRHC budget and financial statements for the program;
- Records to document the basis for GRHC determination that rent to owner is a reasonable rent (initially and during the term of a HAP contract); and
- Other records specified by HUD.

Notice PIH 2014-20 requires the GRHC to keep records of all complaints, investigations, notices, and corrective actions related to violations of the Fair Housing Act or the equal access final rule.

The GRHC will keep confidential records of all emergency transfer requested by victims of domestic violence, dating violence, sexual assault, and stalking under the GRHC's Emergency Transfer Plan, as well as the outcomes of such requests, and retain the records for a period of three years [24 CFR 5.2002(e)(12)].

If an informal hearing to establish a family's citizenship status is held, longer retention requirements apply for some types of documents. For specific requirements, see Section 16-III.D., Retention of Documents.

16-VI.C. RECORDS MANAGEMENT

The GRHC will maintain applicant and participant files and information in accordance with the regulatory requirements described below.

All applicant and participant information will be kept in a secure location and access will be limited to authorized GRHC staff.

GRHC staff will not discuss personal family information unless there is a business reason to do so. Inappropriate discussion of family information or improper disclosure of family information by staff will result in disciplinary action.

Privacy Act Requirements [24 CFR 5.212 and Form-9886]

The collection, maintenance, use, and dissemination of social security numbers (SSN), employer identification numbers (EIN), any information derived from these numbers, and income information of applicants and participants must be conducted, to the extent applicable, in compliance with the Privacy Act of 1974, and all other provisions of Federal, State, and local law.

Applicants and participants, including all adults in the household, are required to sign a consent form, HUD-9886, Authorization for Release of Information. This form incorporates the Federal Privacy Act Statement and describes how the information collected using the form may be used, and under what conditions HUD or the GRHC may release the information collected.

Upfront Income Verification (UIV) Records

Prior to utilizing HUD's EIV system, the GRHC will adopt and implement EIV security procedures required by HUD.

Criminal Records

The GRHC may only disclose the criminal conviction records which the GRHC receives from a law enforcement agency to officers or employees of the GRHC, or to authorized representatives of the GRHC who have a job-related need to have access to the information [24 CFR 5.903(e)].

The GRHC must establish and implement a system of records management that ensures that any criminal record received by the GRHC from a law enforcement agency is maintained confidentially, not misused or improperly disseminated, and destroyed, once the purpose for which the record was requested has been accomplished, including expiration of the period for filing a challenge to the PHA action without institution of a challenge or final disposition of any such litigation [24 CFR 5.903(g)].

The GRHC will establish and implement a system of records management that ensures that any sex offender registration information received by the GRHC from a State or local agency is maintained confidentially, not misused or improperly disseminated, and destroyed, once the purpose for which the record was requested has been accomplished, including expiration of the period for filing a challenge to the GRHC action without institution of a challenge or final disposition of any such litigation. However, a record of the screening, including the type of

screening and the date performed must be retained [Notice PIH 2012-28]. This requirement does not apply to information that is public information, or is obtained by a GRHC other than under 24 CFR 5.905.

Medical/Disability Records

The GRHCs is not permitted to inquire about the nature or extent of a person's disability. The PHA may not inquire about a person's diagnosis or details of treatment for a disability or medical condition. If the GRHC receives a verification document that provides such information, the PHA should not place this information in the tenant file. The GRHC will destroy the document.

Documentation of Domestic Violence, Dating Violence, Sexual Assault, or Stalking

For requirements and GRHC policies related to management of documentation obtained from victims of domestic violence, dating violence, sexual assault, or stalking, see section 16-IX.E.

PART VII: REPORTING AND RECORD KEEPING FOR CHILDREN WITH ELEVATED BLOOD LEAD LEVEL

16-VII.A. OVERVIEW

The GRHC has certain responsibilities relative to children with elevated blood lead levels that are receiving HCV assistance. The notification, verification, and hazard reduction requirements are discussed in Chapter 8. This part deals with the reporting requirements, and data collection and record keeping responsibilities that the GRHC is subject to.

16-VII.B. REPORTING REQUIREMENT [24 CFR 35.1225(e); Notice PIH 2017-13]

The owner must report the name and address of a child identified as having an elevated blood lead level to the public health department within five (5) business days of being so notified by any other medical health care professional. The owner must also notify the HUD field office and the HUD Office of Lead Hazard Control and Healthy Homes (OLHCHH) of the child's address within five (5) business days. The GRHC may collaborate with the owner on the notification process, such as by agreeing with the owner to provide the required notifications on the owner's behalf.

Upon notification by the owner, the GRHC will provide the public health department written notice of the name and address of any child identified as having an elevated blood lead level within seven (7) days.

Upon notification by the owner, the GRHC will notify the HUD field office and the HUD Office of Lead Hazard Control and Healthy Homes (OLHCHH) of the child's address within seven (7) calendar days.

16-VII.C. DATA COLLECTION AND RECORD KEEPING [24 CFR 35.1225(f)]

At least quarterly, the GRHC will attempt to obtain from the public health department(s) with a similar area of jurisdiction, the names and/or addresses of children less than 6 years old with an elevated blood lead level.

If the GRHC obtains names and addresses of elevated blood lead level children from the public health department(s), the GRHC will match this information with the names and addresses of families receiving HCV assistance, unless the public health department performs such a procedure. If a match occurs, the GRHC will carry out the notification, verification, and hazard reduction requirements discussed in Chapter 8, and the reporting requirement discussed above.

At least quarterly, the GRHC must also report an updated list of the addresses of units receiving assistance under the HCV program to the same public health department(s), unless the public health department(s) states that it does not wish to receive such a report.

The public health department(s) has stated they **do not** wish to receive a report of an updated list of the addresses of units receiving assistance under the HCV program, on a quarterly basis. Therefore, the GRHC is not providing such a report.

PART VIII: DETERMINATION OF INSUFFICIENT FUNDING

16-VIII.A. OVERVIEW

The HCV regulations allow GRHC to deny families permission to move and to terminate Housing Assistance Payments (HAP) contracts if funding under the consolidated ACC is insufficient to support continued assistance [24 CFR 982.354(e)(1) and 982.454]. If a GRHC denies a family a portability move based on insufficient funding, the GRHC is required to notify the local HUD office within 10 business days [24 CFR 982.354]. Insufficient funding may also impact the GRHC's ability to issue vouchers to families on the waiting list. This part discusses the methodology the GRHC will use to determine whether or not the GRHC has sufficient funding to issue vouchers, approve moves, and to continue subsidizing all families currently under a HAP contract.

16-VIII.B. METHODOLOGY

The GRHC will determine whether there is adequate funding to issue vouchers, approve moves to higher cost units and areas, and continue subsidizing all current participants by comparing the GRHC's annual budget authority to the annual total HAP needs on a monthly basis. The total HAP needs for the calendar year will be projected by establishing the actual HAP costs year to date. To that figure, the GRHC will add anticipated HAP expenditures for the remainder of the calendar year. Projected HAP expenditures will be calculated by multiplying the projected number of units leased per remaining months by the most current month's average HAP. The projected number of units leased per month will take into account the average monthly turnover of participant families. If the total annual HAP needs equal or exceed the annual budget authority, or if the GRHC cannot support the cost of the proposed subsidy commitment (voucher issuance or move) based on the funding analysis, the GRHC will be considered to have insufficient funding. This analysis can be easily done with the HUD developed two (2) year tool and the GRHC will utilize this tool.

PART IX: VIOLENCE AGAINST WOMEN ACT (VAWA): NOTIFICATION, DOCUMENTATION, CONFIDENTIALITY

16-IX.A. OVERVIEW

The Violence against Women Act of 2013 (VAWA) provides special protections for victims of domestic violence, dating violence, sexual assault and stalking who are applying for or receiving assistance under the housing choice voucher (HCV) program. If your state or local laws provide greater protection for such victims, those laws apply in conjunction with VAWA.

In addition to definitions of key terms used in VAWA, this part contains general VAWA requirements and PHA policies in three areas: notification, documentation, and confidentiality. Specific VAWA requirements and PHA policies are located primarily in the following sections: 3-I.C, “Family Breakup and Remaining Member of Tenant Family”; 3-III.G, “Prohibition against Denial of Assistance to Victims of Domestic Violence, Dating Violence, and Stalking”; 10-I.A, “Allowable Moves”; 10-I.B, “Restrictions on Moves”; 12-II.E, “Terminations Related to Domestic Violence, Dating Violence, or Stalking”; and 12-II.F, “Termination Notice.”

16-IX.B. DEFINITIONS [24 CFR 5.2003, 42 USC 13925]

As used in VAWA:

- The term *bifurcate* means, with respect to a public housing or Section 8 lease, to divide a lease as a matter of law such that certain tenants can be evicted or removed while the remaining family members’ lease and occupancy rights are allowed to remain intact.
- The term *dating violence* means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - The length of the relationship
 - The type of relationship
 - The frequency of interaction between the persons involved in the relationship
- The term *domestic violence* includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

- The term *affiliated individual* means, with respect to a person:
 - A spouse, parent, brother or sister, or child of that individual, or an individual to whom that individual stands in the position or place of a parent; or
 - Any other individual, tenant, or lawful occupant living in the household of the victim of domestic violence, dating violence, sexual assault, or stalking.
- The term *sexual assault* means:
 - Any nonconsensual sexual act proscribed by federal, tribal, or state law, including when the victim lacks the capacity to consent
- The term *stalking* means:
 - To engage in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress.

16-IX.C. NOTIFICATION [24 CFR 5.2005(a)]

Notification to Public

The GRHC will post the following information regarding VAWA in its offices and on its website. It will also make the information readily available to anyone who requests it.

- A copy of the notice of occupancy rights under VAWA to housing choice voucher program applicants and participants who are or have been victims of domestic violence, dating violence, sexual assault, or stalking (Form HUD-5380, see Exhibit 16-1)
- A copy of form HUD-5382, Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternate Documentation (see Exhibit 16-2)
- A copy of the PHA's emergency transfer plan (Exhibit 16-3)
- A copy of HUD's Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, Form HUD-5383 (Exhibit 16-4)
- The National Domestic Violence Hot Line: 1-800-799-SAFE (7233) or 1-800-787-3224 (TTY) (included in Exhibits 16-1 and 16-2)
- Contact information for local victim advocacy groups or service providers

Notification to Program Applicants and Participants [24 CFR 5.2005(a)(1)]

The GRHC will provide all applicants with information about VAWA at the time they request an application for housing assistance, as part of the written briefing packet, and at the time the family is admitted to the program. The PHA will also include information about VAWA in all notices of denial of assistance (see section 3-III.G).

The GRHC will provide all participants with information about VAWA at the time of admission (see section 5-I.B) and at annual reexamination. The PHA will also include information about VAWA in notices of termination of assistance, as provided in section 12-II.F.

The VAWA information provided to applicants and participants will consist of the notices in Exhibits 16-1 and 16-2.

The GRHC is not limited to providing VAWA information at the times specified in the above policy. If the GRHC decides to provide VAWA information to a participant following an incident of domestic violence, Notice PIH 2017-08 cautions against sending the information by mail, since the abuser may be monitoring the mail. The notice recommends that in such cases the GRHC will make alternative delivery arrangements that will not put the victim at risk.

Whenever the GRHC has reason to suspect that providing information about VAWA to a participant might place a victim of domestic violence at risk, it will attempt to deliver the information by hand directly to the victim or by having the victim come to an office or other space that may be safer for the individual, making reasonable accommodations as necessary. For example, the GRHC may decide not to send mail regarding VAWA protections to the victim's unit if the GRHC believes the perpetrator may have access to the victim's mail, unless requested by the victim.

When discussing VAWA with the victim, the GRHC will take reasonable precautions to ensure that no one can overhear the conversation, such as having conversations in a private room. The victim may, but is not required to, designate an attorney, advocate, or other secure contact for communications regarding VAWA protections.

Notification to Owners and Managers

The GRHC will provide owners and managers with information about their rights and obligations under VAWA when they begin their participation in the program and at least annually thereafter.

The VAWA information provided to owners will consist of the notice in Exhibit 16-5 and a copy of form HUD-5382, Certification of Domestic Violence, Dating Violence, and Stalking and Alternate Documentation.

16-IX.D. DOCUMENTATION [24 CFR 5.2007]

If the GRHC is presented with a claim for initial or continued assistance based on status as a victim of domestic violence, dating violence, sexual assault, stalking, or criminal activity related to any of these forms of abuse may—but is not required to—request that the individual making the claim document the abuse. Any request for documentation must be in writing, and the individual must be allowed at least 14 business days after receipt of the request to submit the documentation. The GRHC may extend this time period at its discretion. [24 CFR 5.2007(a)]

The individual may satisfy the GRHC's request by providing any one of the following three forms of documentation [24 CFR 5.2007(b)]:

- (1) A completed and signed HUD-approved certification form (HUD-5382, Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking), which must include the name of the perpetrator only if the name of the perpetrator is safe to provide and is known to the victim. The form may be filled out and submitted on behalf of the victim.
- (2) A federal, state, tribal, territorial, or local police report or court record, or an administrative record
- (3) Documentation signed by a person who has assisted the victim in addressing domestic violence, dating violence, sexual assault or stalking, or the effects of such abuse. This person may be an employee, agent, or volunteer of a victim service provider; an attorney; a mental health professional; or a medical professional. The person signing the documentation must attest under penalty of perjury to the person's belief that the incidents in question are bona fide incidents of abuse. The victim must also sign the documentation.

The GRHC will not require third-party documentation (forms 2 and 3) in addition to certification (form 1), except as specified below under "Conflicting Documentation," nor may it require certification in addition to third-party documentation [VAWA final rule].

Any request for documentation of domestic violence, dating violence, sexual assault or stalking will be in writing, will specify a deadline of 14 business days following receipt of the request, will describe the three forms of acceptable documentation, will provide explicit instructions on where and to whom the documentation must be submitted, and will state the consequences for failure to submit the documentation or request an extension in writing by the deadline.

The GRHC may, in its discretion, extend the deadline for 15 calendar days. In determining whether to extend the deadline, the GRHC will consider factors that may contribute to the victim's inability to provide documentation in a timely manner, including cognitive limitations, disabilities, limited English proficiency, absence from the unit, administrative delays, the danger of further violence, and the victim's need to address health or safety issues. Any extension granted by the GRHC will be in writing.

Once the victim provides documentation, the GRHC will acknowledge receipt of the documentation within 15 calendar days.

Conflicting Documentation [Notice PIH 2017-08(e)]

In cases where the GRHC receives conflicting certification documents from two or more members of a household, each claiming to be a victim and naming one or more of the other petitioning household members as the perpetrator, the GRHC may determine which is the true victim by requiring each to provide acceptable third-party documentation, as described above (forms 2 and 3). Individuals have 30 calendar days to return third-party verification to the GRHC. If the GRHC does not receive third-party documentation, and the GRHC will deny or terminate assistance as a result, the GRHC must hold separate hearings for the tenants [Notice PIH 2017-08].

The GRHC will honor any court orders issued to protect the victim or to address the distribution of property.

If presented with conflicting certification documents from members of the same household, the GRHC will attempt to determine which is the true victim by requiring each of them to provide third-party documentation in accordance with PIH Notice 2017-08(e) and by following any HUD guidance on how such determinations should be made.

If the GRHC does not receive third-party documentation within the required timeframe (and any extensions) the GRHC will deny VAWA protections and will notify the applicant or tenant in writing of the denial. If, as a result, the applicant or tenant is denied or terminated from the program, the GRHC will hold separate hearings for the applicants or tenants.

Discretion to Require No Formal Documentation [24 CFR 5.2007(d)]

If the GRHC accepts an individual's statement or other corroborating evidence (as determined by the victim) of domestic violence, dating violence, sexual assault or stalking, the GRHC will document acceptance of the statement or evidence in the individual's file.

Failure to Provide Documentation [24 CFR 5.2007(c)]

In order to deny relief for protection under VAWA, the GRHC must provide the individual requesting relief with a written request for documentation of abuse. If the individual fails to provide the documentation within 14 business days from the date of receipt, or such longer time as the GRHC may allow, the GRHC may deny relief for protection under VAWA.

16-IX.E. CONFIDENTIALITY [24 CFR 5.2007(b)(4)]

All information provided to the GRHC regarding domestic violence, dating violence, sexual assault or stalking, including the fact that an individual is a victim of such violence or stalking, must be retained in confidence. This means that the GRHC (1) may not enter the information into any shared database, (2) may not allow employees or others to access the information unless they are explicitly authorized to do so and have a need to know the information for purposes of their work, and (3) may not provide the information to any other entity or individual, except to the extent that the disclosure is (a) requested or consented to by the individual in writing, (b) required for use in an eviction proceeding, or (c) otherwise required by applicable law.

If disclosure is required for use in an eviction proceeding or is otherwise required by applicable law, the GRHC will inform the victim before disclosure occurs so that safety risks can be identified and addressed.

| |
|--|
| EXHIBIT 16-1: SAMPLE Notice of Occupancy Rights Under the Violence Against Women Act, Form HUD-5380 |
|--|

[Insert Name of Housing Provider]

Notice of Occupancy Rights under the Violence Against Women Act¹

To all Tenants and Applicants

The Violence Against Women Act (VAWA) provides protections for victims of domestic violence, dating violence, sexual assault, or stalking. VAWA protections are not only available to women, but are available equally to all individuals regardless of sex, gender identity, or sexual orientation.² The U.S. Department of Housing and Urban Development (HUD) is the federal agency that oversees that the housing choice voucher program is in compliance with VAWA. This notice explains your rights under VAWA. A HUD-approved certification form is attached to this notice. You can fill out this form to show that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking, and that you wish to use your rights under VAWA.”

Protections for Applicants

If you otherwise qualify for assistance under the housing choice voucher program, you cannot be denied admission or denied assistance because you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

Protections for Tenants

If you are receiving assistance under the housing choice voucher program, you may not be denied assistance, terminated from participation, or be evicted from your rental housing because you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking. Also, if you or an affiliated individual of yours is or has been the victim of domestic violence, dating violence, sexual assault, or stalking by a member of your household or any guest, you may not be denied rental assistance or occupancy rights under the housing choice voucher program solely on the basis of criminal activity directly relating to that domestic violence, dating violence, sexual assault, or stalking.

Affiliated individual means your spouse, parent, brother, sister, or child, or a person to whom you stand in the place of a parent or guardian (for example, the affiliated individual is in your care, custody, or control); or any individual, tenant, or lawful occupant living in your household.

¹ Despite the name of this law, VAWA protection is available regardless of sex, gender identity, or sexual orientation.

² Housing providers cannot discriminate on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. HUD-assisted and HUD-insured housing must be made available to all otherwise eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status.

Removing the Abuser or Perpetrator from the Household

The PHA may divide (bifurcate) your lease in order to evict the individual or terminate the assistance of the individual who has engaged in criminal activity (the abuser or perpetrator) directly relating to domestic violence, dating violence, sexual assault, or stalking.

If the PHA chooses to remove the abuser or perpetrator, the PHA may not take away the rights of eligible tenants to the unit or otherwise punish the remaining tenants. If the evicted abuser or perpetrator was the sole tenant to have established eligibility for assistance under the program, the PHA must allow the tenant who is or has been a victim and other household members to remain in the unit for a period of time, in order to establish eligibility under the program or under another HUD housing program covered by VAWA, or, find alternative housing.

In removing the abuser or perpetrator from the household, the PHA must follow federal, state, and local eviction procedures. In order to divide a lease, the PHA may, but is not required to, ask you for documentation or certification of the incidences of domestic violence, dating violence, sexual assault, or stalking.

Moving to Another Unit

Upon your request, the PHA may permit you to move to another unit, subject to the availability of other units, and still keep your assistance. In order to approve a request, the PHA may ask you to provide documentation that you are requesting to move because of an incidence of domestic violence, dating violence, sexual assault, or stalking. If the request is a request for emergency transfer, the housing provider may ask you to submit a written request or fill out a form where you certify that you meet the criteria for an emergency transfer under VAWA. The criteria are:

- 1. You are a victim of domestic violence, dating violence, sexual assault, or stalking.**

If your housing provider does not already have documentation that you are a victim of domestic violence, dating violence, sexual assault, or stalking, your housing provider may ask you for such documentation, as described in the documentation section below.

- 2. You expressly request the emergency transfer.** Your housing provider may choose to require that you submit a form, or may accept another written or oral request.

- 3. You reasonably believe you are threatened with imminent harm from further violence if you remain in your current unit.** This means you have a reason to fear that if you do not receive a transfer you would suffer violence in the very near future.

OR

You are a victim of sexual assault and the assault occurred on the premises during the 90-calendar-day period before you request a transfer. If you are a victim of sexual assault, then in addition to qualifying for an emergency transfer because you reasonably believe you are threatened with imminent harm from further violence if you remain in your unit, you may qualify for an emergency transfer if the sexual assault occurred on the premises of the property from which you are seeking your transfer, and that assault happened within the 90-calendar-day period before you expressly request the transfer.

The PHA will keep confidential requests for emergency transfers by victims of domestic violence, dating violence, sexual assault, or stalking, and the location of any move by such victims and their families.

The PHA's emergency transfer plan provides further information on emergency transfers, and the PHA must make a copy of its emergency transfer plan available to you if you ask to see it.

Documenting You Are or Have Been a Victim of Domestic Violence, Dating Violence, Sexual Assault or Stalking

The PHA can, but is not required to, ask you to provide documentation to "certify" that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking. Such request from the PHA must be in writing, and the PHA must give you at least 14 business days (Saturdays, Sundays, and federal holidays do not count) from the day you receive the request to provide the documentation. The PHA may, but does not have to, extend the deadline for the submission of documentation upon your request.

You can provide one of the following to the PHA as documentation. It is your choice which of the following to submit if the PHA asks you to provide documentation that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

- A complete HUD-approved certification form given to you by the PHA with this notice, that documents an incident of domestic violence, dating violence, sexual assault, or stalking. The form will ask for your name, the date, time, and location of the incident of domestic violence, dating violence, sexual assault, or stalking, and a description of the incident. The certification form provides for including the name of the abuser or perpetrator if the name of the abuser or perpetrator is known and is safe to provide.
- A record of a Federal, State, tribal, territorial, or local law enforcement agency, court, or administrative agency that documents the incident of domestic violence, dating violence, sexual assault, or stalking. Examples of such records include police reports, protective orders, and restraining orders, among others.
- A statement, which you must sign, along with the signature of an employee, agent, or volunteer of a victim service provider, an attorney, a medical professional or a mental health professional (collectively, "professional") from whom you sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse, and with the professional selected by you attesting under penalty of perjury that he or she believes that the incident or incidents of domestic violence, dating violence, sexual assault, or stalking are grounds for protection.
- Any other statement or evidence that the PHA has agreed to accept.

If you fail or refuse to provide one of these documents within the 14 business days, the PHA does not have to provide you with the protections contained in this notice.

If the PHA receives conflicting evidence that an incident of domestic violence, dating violence, sexual assault, or stalking has been committed (such as certification forms from two or more members of a household each claiming to be a victim and naming one or more of the other petitioning household members as the abuser or perpetrator), the PHA has the right to request that you provide third-party documentation within thirty 30 calendar days in order to resolve the conflict. If you fail or refuse to provide third-party documentation where there is conflicting evidence, the PHA does not have to provide you with the protections contained in this notice.

Confidentiality

The PHA must keep confidential any information you provide related to the exercise of your rights under VAWA, including the fact that you are exercising your rights under VAWA.

The PHA must not allow any individual administering assistance or other services on behalf of the PHA (for example, employees and contractors) to have access to confidential information unless for reasons that specifically call for these individuals to have access to this information under applicable Federal, State, or local law.

The PHA must not enter your information into any shared database or disclose your information to any other entity or individual. The PHA, however, may disclose the information provided if:

- You give written permission to the PHA to release the information on a time limited basis.
- The PHA needs to use the information in an eviction or termination proceeding, such as to evict your abuser or perpetrator or terminate your abuser or perpetrator from assistance under this program.
- A law requires the PHA or your landlord to release the information.

VAWA does not limit the PHA's duty to honor court orders about access to or control of the property. This includes orders issued to protect a victim and orders dividing property among household members in cases where a family breaks up.

Reasons a Tenant Eligible for Occupancy Rights under VAWA May Be Evicted or Assistance May Be Terminated

You can be evicted and your assistance can be terminated for serious or repeated lease violations that are not related to domestic violence, dating violence, sexual assault, or stalking committed against you. However, the PHA cannot hold tenants who have been victims of domestic violence, dating violence, sexual assault, or stalking to a more demanding set of rules than it applies to tenants who have not been victims of domestic violence, dating violence, sexual assault, or stalking.

The protections described in this notice might not apply, and you could be evicted and your assistance terminated, if the PHA can demonstrate that not evicting you or terminating your assistance would present a real physical danger that:

1. Would occur within an immediate time frame, and
2. Could result in death or serious bodily harm to other tenants or those who work on the property.

If the PHA can demonstrate the above, the PHA should only terminate your assistance or evict you if there are no other actions that could be taken to reduce or eliminate the threat.

Other Laws

VAWA does not replace any federal, state, or local law that provides greater protection for victims of domestic violence, dating violence, sexual assault, or stalking. You may be entitled to additional housing protections for victims of domestic violence, dating violence, sexual assault, or stalking under other Federal laws, as well as under State and local laws.

Non-Compliance with The Requirements of This Notice

You may report a covered housing provider's violations of these rights and seek additional assistance, if needed, by contacting or filing a complaint with **[insert contact information for any intermediary, if applicable]** or **[insert HUD field office]**.

For Additional Information

You may view a copy of HUD's final VAWA rule at: <https://www.gpo.gov/fdsys/pkg/FR-2016-11-16/pdf/2016-25888.pdf>.

Additionally, the PHA must make a copy of HUD's VAWA regulations available to you if you ask to see them.

For questions regarding VAWA, please contact **[insert name of program or rental assistance contact information able to answer questions on VAWA]**.

For help regarding an abusive relationship, you may call the National Domestic Violence Hotline at 1-800-799-7233 or, for persons with hearing impairments, 1-800-787-3224 (TTY). You may also contact **[Insert contact information for relevant local organizations]**.

For tenants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime's Stalking Resource Center at <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

For help regarding sexual assault, you may contact **[Insert contact information for relevant organizations]**

Victims of stalking seeking help may contact **[Insert contact information for relevant organizations]**.

Attachment: Certification form HUD-5382 **[form approved for this program to be included]**

**EXHIBIT 16-2: Certification of Domestic Violence, Dating Violence, Sexual Assault, or
Stalking and Alternate Documentation,
Form HUD-5382**

**CERTIFICATION OF
DOMESTIC VIOLENCE,
DATING VIOLENCE,
SEXUAL ASSAULT, OR STALKING,
AND ALTERNATE DOCUMENTATION**

**U.S. Department of Housing
and Urban Development**

OMB Approval No. 2577-0286
Exp. 06/30/2017

Purpose of Form: The Violence Against Women Act (“VAWA”) protects applicants, tenants, and program participants in certain HUD programs from being evicted, denied housing assistance, or terminated from housing assistance based on acts of domestic violence, dating violence, sexual assault, or stalking against them. Despite the name of this law, VAWA protection is available to victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.

Use of This Optional Form: If you are seeking VAWA protections from your housing provider, your housing provider may give you a written request that asks you to submit documentation about the incident or incidents of domestic violence, dating violence, sexual assault, or stalking.

In response to this request, you or someone on your behalf may complete this optional form and submit it to your housing provider, or you may submit one of the following types of third-party documentation:

- (1) A document signed by you and an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional, or a mental health professional (collectively, “professional”) from whom you have sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse. The document must specify, under penalty of perjury, that the professional believes the incident or incidents of domestic violence, dating violence, sexual assault, or stalking occurred and meet the definition of “domestic violence,” “dating violence,” “sexual assault,” or “stalking” in HUD’s regulations at 24 CFR 5.2003.
- (2) A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or
- (3) At the discretion of the housing provider, a statement or other evidence provided by the applicant or tenant.

Submission of Documentation: The time period to submit documentation is 14 business days from the date that you receive a written request from your housing provider asking that you provide documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking. Your housing provider may, but is not required to, extend the time period to submit the documentation, if you request an extension of the time period. If the requested information is not received within 14 business days of when you received the request for the documentation, or any extension of the date provided by your housing provider, your housing provider does not need to grant you any of the VAWA protections. Distribution or issuance of this form does not serve as a written request for certification.

Confidentiality: All information provided to your housing provider concerning the incident(s) of domestic violence, dating violence, sexual assault, or stalking shall be kept confidential and such details shall not be entered into any shared database. Employees of your housing provider are not to have access to these details unless to grant or deny VAWA protections to you, and such employees may not disclose this information to any other entity or individual, except to the extent that disclosure is: (i) consented to by you in writing in a time-limited release; (ii) required for use in an eviction proceeding or hearing regarding termination of assistance; or (iii) otherwise required by applicable law.

**TO BE COMPLETED BY OR ON BEHALF OF THE VICTIM OF DOMESTIC VIOLENCE,
DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING**

1. Date the written request is received by victim: _____

2. Name of victim: _____

3. Your name (if different from victim's): _____

4. Name(s) of other family member(s) listed on the lease: _____

5. Residence of victim: _____

6. Name of the accused perpetrator (if known and can be safely disclosed): _____

7. Relationship of the accused perpetrator to the victim: _____

8. Date(s) and times(s) of incident(s) (if known): _____

10. Location of incident(s): _____

In your own words, briefly describe the incident(s):

This is to certify that the information provided on this form is true and correct to the best of my knowledge and recollection, and that the individual named above in Item 2 is or has been a victim of domestic violence, dating violence, sexual assault, or stalking. I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

Signature _____ Signed on (Date) _____

Public Reporting Burden: The public reporting burden for this collection of information is estimated to average 1 hour per response. This includes the time for collecting, reviewing, and reporting the data. The information provided is to be used by the housing provider to request certification that the applicant or tenant is a victim of domestic violence, dating violence, sexual assault, or stalking. The information is subject to the confidentiality requirements of VAWA. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid Office of Management and Budget control number.

| |
|--|
| <p>EXHIBIT 16-3: EMERGENCY TRANSFER PLAN FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, or STALKING (HCV VERSION)</p> |
|--|

Attachment: Certification form HUD-5382

[Insert name of covered housing provider]

**Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking
Housing Choice Voucher Program**

Emergency Transfers

The PHA is concerned about the safety of its tenants, and such concern extends to tenants who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with the Violence Against Women Act (VAWA),³ the PHA allows tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the tenant's current unit to another unit. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation.⁴ The ability of the PHA to honor such request for tenants currently receiving assistance, however, may depend upon a preliminary determination that the tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and on whether the PHA has another dwelling unit that is available and is safe to offer the tenant for temporary or more permanent occupancy.

This plan identifies tenants who are eligible for an emergency transfer, the documentation needed to request an emergency transfer, confidentiality protections, how an emergency transfer may occur, and guidance to tenants on safety and security. This plan is based on a model emergency transfer plan published by the U.S. Department of Housing and Urban Development (HUD), the federal agency that oversees that the **public housing and housing choice voucher (HCV) programs** are in compliance with VAWA.

Eligibility for Emergency Transfers

A tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking, as provided in HUD's regulations at 24 CFR part 5, subpart L, is eligible for an emergency transfer if the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit. If the tenant is a victim of sexual assault, the tenant may also be eligible to transfer if the sexual assault occurred on the premises within the 90-calendar-day period preceding a request for an emergency transfer.

³Despite the name of this law, VAWA protection is available to all victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.

⁴Housing providers cannot discriminate on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. HUD-assisted and HUD-insured housing must be made available to all otherwise eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status.

A tenant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan.

Tenants who are not in good standing may still request an emergency transfer if they meet the eligibility requirements in this section.

Emergency Transfer Request Documentation

To request an emergency transfer, the tenant shall notify the PHA's management office and submit a written request for a transfer to **any PHA office**. The PHA will provide reasonable accommodations to this policy for individuals with disabilities. The tenant's written request for an emergency transfer should include either:

1. A statement expressing that the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant were to remain in the same dwelling unit assisted under the PHA's program; OR
2. A statement that the tenant was a sexual assault victim and that the sexual assault occurred on the premises during the 90-calendar-day period preceding the tenant's request for an emergency transfer.

Confidentiality

The PHA will keep confidential any information that the tenant submits in requesting an emergency transfer, and information about the emergency transfer, unless the tenant gives the PHA written permission to release the information on a time-limited basis, or disclosure of the information is required by law or required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program. This includes keeping confidential the new location of the dwelling unit of the tenant, if one is provided, from the person or persons that committed an act of domestic violence, dating violence, sexual assault, or stalking against the tenant. See the Notice of Occupancy Rights under the Violence against Women Act for All Tenants for more information about the PHA's responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.

Emergency Transfer Timing and Availability

The PHA cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. The PHA will, however, act as quickly as possible to move a tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking to another unit, subject to availability and safety of a unit. If a tenant reasonably believes a proposed transfer would not be safe, the tenant may request a transfer to a different unit. If a unit is available, the transferred tenant must agree to abide by the terms and conditions that govern occupancy in the unit to which the tenant has been transferred. The PHA may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.

If the PHA has no safe and available units for which a tenant who needs an emergency transfer is eligible, the PHA will assist the tenant in identifying other housing providers who may have safe and available units to which the tenant could move. At the tenant's request, the PHA will also assist tenants in contacting the local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking that are attached to this plan.

Emergency Transfers: Housing Choice Voucher (HCV) Program

Tenant-based assistance: If you are a participant in the tenant-based HCV program and request an emergency transfer as described in this plan, the PHA will assist you to move to a safe unit quickly using your existing voucher assistance. The PHA will make exceptions to program regulations restricting moves as required.

At your request, the PHA will refer you to organizations that may be able to further assist you.

Project-based assistance: If you are assisted under the project-based voucher (PBV) program, you may request an emergency transfer under the following programs for which you are not required to apply:

- Tenant-based voucher, if available
- Project-based assistance in the same project (if a vacant unit is available and you determine that the vacant unit is safe)
- Project-based assistance in another development owned by the PHA

Emergency transfers under VAWA will take priority over waiting list admissions for these types of assistance.

You may also request an emergency transfer under the following programs for which you are required to apply:

- Public housing program
- PBV assistance in another development not owned by the PHA
- **[Insert other programs the PHA provides, such as LIHTC or HOME]**

Emergency transfers will not take priority over waiting list admissions for these programs. At your request, the PHA will refer you to organizations that may be able to further assist you.

Safety and Security of Tenants

Pending processing of the transfer and the actual transfer, if it is approved and occurs, the tenant is urged to take all reasonable precautions to be safe.

Tenants who are or have been victims of domestic violence are encouraged to contact the National Domestic Violence Hotline at 1-800-799-7233, or a local domestic violence shelter, for assistance in creating a safety plan. For persons with hearing impairments, that hotline can be accessed by calling 1-800-787-3224 (TTY).

Tenants who have been victims of sexual assault may call the Rape, Abuse, and Incest National Network's National Sexual Assault Hotline at 1-800-656-HOPE, or visit the online hotline at: <https://ohl.rainn.org/online/>.

Tenants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime's Stalking Resource Center at: <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

Attachment: Local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking.

| |
|---|
| EXHIBIT 16-4: Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, FORM HUD-5383 |
|---|

**EMERGENCY TRANSFER
REQUEST FOR CERTAIN
VICTIMS OF DOMESTIC
VIOLENCE, DATING VIOLENCE,
SEXUAL ASSAULT, OR STALKING**

**U.S. Department of Housing
and Urban Development**

OMB Approval No. 2577-0286
Exp. 06/30/2017

Purpose of Form: If you are a victim of domestic violence, dating violence, sexual assault, or stalking, and you are seeking an emergency transfer, you may use this form to request an emergency transfer and certify that you meet the requirements of eligibility for an emergency transfer under the Violence Against Women Act (VAWA). Although the statutory name references women, VAWA rights and protections apply to all victims of domestic violence, dating violence, sexual assault or stalking. Using this form does not necessarily mean that you will receive an emergency transfer. See your housing provider's emergency transfer plan for more information about the availability of emergency transfers.

The requirements you must meet are:

- (1) You are a victim of domestic violence, dating violence, sexual assault, or stalking.** If your housing provider does not already have documentation that you are a victim of domestic violence, dating violence, sexual assault, or stalking, your housing provider may ask you for such documentation. In response, you may submit Form HUD-5382, or any one of the other types of documentation listed on that Form.
- (2) You expressly request the emergency transfer.** Submission of this form confirms that you have expressly requested a transfer. Your housing provider may choose to require that you submit this form, or may accept another written or oral request. Please see your housing provider's emergency transfer plan for more details.
- (3) You reasonably believe you are threatened with imminent harm from further violence if you remain in your current unit.** This means you have a reason to fear that if you do not receive a transfer you would suffer violence in the very near future.

OR

You are a victim of sexual assault and the assault occurred on the premises during the 90-calendar-day period before you request a transfer. If you are a victim of sexual assault, then in addition to qualifying for an emergency transfer because you reasonably believe you are threatened with imminent harm from further violence if you remain in your unit, you may qualify for an emergency transfer if the sexual assault occurred on the premises of the property from which you are seeking your transfer, and that assault happened within the 90-calendar-day period before you submit this form or otherwise expressly request the transfer.

Submission of Documentation: If you have third-party documentation that demonstrates why you are eligible for an emergency transfer, you should submit that documentation to your housing provider if it is safe for you to do so. Examples of third party documentation include, but are not limited to: a letter or other documentation from a victim service provider, social worker, legal assistance provider, pastoral counselor, mental health provider, or other professional from whom you have sought assistance; a current restraining order; a recent court order or other court records; a law enforcement report or records; communication records from the perpetrator of the violence or family members or friends of the perpetrator of the violence, including emails, voicemails, text messages, and social media posts.

Confidentiality: All information provided to your housing provider concerning the incident(s) of domestic violence, dating violence, sexual assault, or stalking, and concerning your request for an emergency transfer shall be kept confidential. Such details shall not be entered into any shared database. Employees of your housing provider are not to have access to these details unless to grant or deny VAWA protections or an emergency transfer to you. Such employees may not disclose this information to any other entity or individual, except to the extent that disclosure is: (i) consented to by you in writing in a time-limited release; (ii) required for use in an eviction proceeding or hearing regarding termination of assistance; or (iii) otherwise required by applicable law.

TO BE COMPLETED BY OR ON BEHALF OF THE PERSON REQUESTING A TRANSFER

1. Name of victim requesting an emergency transfer: _____

2. Your name (if different from victim's) _____

3. Name(s) of other family member(s) listed on the lease: _____

4. Name(s) of other family member(s) who would transfer with the victim: _____

5. Address of location from which the victim seeks to transfer: _____

6. Address or phone number for contacting the victim: _____

7. Name of the accused perpetrator (if known and can be safely disclosed): _____

8. Relationship of the accused perpetrator to the victim: _____

9. Date(s), Time(s) and location(s) of incident(s): _____

10. Is the person requesting the transfer a victim of a sexual assault that occurred in the past 90 days on the premises of the property from which the victim is seeking a transfer? If yes, skip question 11. If no, fill out question 11. _____

11. Describe why the victim believes they are threatened with imminent harm from further violence if they remain in their current unit.

12. If voluntarily provided, list any third-party documentation you are providing along with this notice: _____

This is to certify that the information provided on this form is true and correct to the best of my knowledge, and that the individual named above in Item 1 meets the requirement laid out on this form for an emergency transfer. I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

Signature _____ Signed on (Date) _____

MODEL OWNER NOTIFICATION OF RIGHTS AND OBLIGATIONS

[Insert Name of Housing Provider]

NOTIFICATION OF YOUR RIGHTS AND OBLIGATIONS UNDER THE VIOLENCE AGAINST WOMEN ACT (VAWA)

VAWA provides protections for Section 8 Housing Choice Voucher (HCV) and PBV applicants, tenants, and participants from being denied assistance on the basis or as a direct result of being a victim of domestic violence, dating violence, sexual assault and stalking.

Purpose

Many of VAWA's protections to victims of domestic violence, dating violence, sexual assault and stalking involve action by the public housing agency (PHA), but some situations involve action by owners of assisted housing. The purpose of this notice (herein called "Notice") is to explain your rights and obligations under VAWA, as an owner of housing assisted through [insert name of housing provider] HCV program. Each component of this Notice also provides citations to HUD's applicable regulations.

Denial of Tenancy

Protections for applicants: Owners cannot deny tenancy based on the applicant having been or currently being a victim of domestic violence, dating violence, sexual assault, or stalking. However, the applicant must be otherwise eligible for tenancy. (See 24 Code of Federal Regulations (CFR) 982.452(b)(1).)

Eviction

Protections for HCV participants: Incidents or threats of domestic violence, dating violence, sexual assault, or stalking will not be considered a serious or repeated lease violation by the victim, or good cause to terminate the tenancy of the victim (24 CFR 5.2005(c)). Protection also applies to criminal activity related directly to domestic violence, dating violence, sexual assault, or stalking, conducted by a member of a tenant's household or any guest or other person under the tenant's control, if the tenant or an affiliated individual of the tenant is the victim or threatened victim of such domestic violence, dating violence, sexual assault, or stalking (24 CFR 5.2005(b)(2)).

Limitations of VAWA protections:

a. Nothing in the VAWA Final Rule limits the authority of an owner, when notified of a court order, to comply with a court order with respect to (24 CFR 5.2005(d)(1)):

- 1) The rights of access or control of property, including civil protection orders issued to protect a victim of domestic violence, dating violence, sexual assault, or stalking; or
- 2) The distribution or possession of property among members of a household in a case.

b. Nothing in the VAWA Final Rule limits an owner from evicting a victim of domestic violence, dating violence, sexual assault, or stalking for a lease violation that is not premised on an act of domestic violence, dating violence, sexual assault, or stalking, as long as the owner does not subject the victim to more demanding standards than other tenants when deciding whether to evict. (See 24 CFR 5.2005(d)(2).)

c. Nothing in the VAWA Final Rule limits an owner from evicting a tenant (including the victim of domestic violence, dating violence, sexual assault, or stalking) if the owner can demonstrate an actual and imminent threat to other tenants or those employed at or providing services to the HCV property would be present if the tenant or lawful occupant is not evicted. (See 24 CFR 5.2005(d)(3).)

- i. In this context, words, gestures, actions, or other indicators will be considered an “actual and imminent threat” if they meet the following standards: An actual and imminent threat consists of a physical danger that is real, would occur within an immediate time frame, and could result in death or serious bodily harm. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include: the duration of the risk, the nature and severity of the potential harm, the likelihood that the potential harm will occur, and the length of time before the potential harm would occur. (See 24 CFR 5.2003.)
- ii. Any eviction due to “actual and imminent threat” should be utilized by an owner only when there are no other actions that could be taken to reduce or eliminate the threat, including, but not limited to, transferring the victim to a different unit, barring the perpetrator from the property, contacting law enforcement to increase police presence or develop other plans to keep the property safe, or seeking other legal remedies to prevent the perpetrator from acting on a threat. Restrictions predicated on public safety cannot be based on stereotypes, but must be tailored to particularized concerns about individual residents. (See 24 CFR 5.2005(d)(4).)

Documentation of Domestic Violence, Dating Violence, Sexual Assault, or Stalking

If an applicant or tenant requests VAWA protection based on status as a victim of domestic violence, dating violence, sexual assault, or stalking, the owner has the option to request that the victim document or provide written evidence to demonstrate that the violence occurred. However, nothing in HUD’s regulation requires a covered housing provider to request this documentation. (See 24 CFR 5.2007(b)(3).)

If the owner chooses to request this documentation, the owner must make such request in writing. The individual may satisfy this request by providing any one document type listed under 24 CFR 5.2007(b)(1):

- a. Form HUD-55383 (Self-Certification Form); or
- b. A document: 1) Signed by an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional or a mental health professional (collectively, “professional”) from whom the victim has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse:
 - 2) Signed by the applicant or tenant; and
 - 3) That specifies, under penalty of perjury, that the professional believes in the occurrence of the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection and remedies under 24 CFR part 5, subpart L, and that the incident meets the applicable definition of domestic violence, dating violence, sexual assault, or stalking under 24 CFR 5.2003; or
- c. A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or
- d. At the discretion of a covered housing provider, a statement or other evidence provided by the applicant or tenant.

The owner must accept any of the above items (a – c). The owner has discretion to accept a statement or other evidence (d).

The owner is prohibited from requiring third-party documentation of the domestic violence, dating violence, sexual assault, or stalking, unless the submitted documentation contains conflicting information.

If the owner makes a written request for documentation, the owner may require submission of that documentation within 14 business days after the date that the individual received the written request for documentation. (24 CFR 5.2007(a)(2)). The owner may extend this time period at its discretion. During the 14 business day period and any granted extensions of that time, no adverse actions, such as evictions or terminations, can be taken against the individual requesting VAWA protection.

Once a victim provides documentation of domestic violence, dating violence, sexual assault, or stalking, the owner is encouraged to acknowledge receipt of the documentation in a timely manner.

If the applicant or tenant fails to provide documentation that meets the criteria in 24 CFR 5.2007 within 14 business days after receiving the written request for that documentation or within the designated extension period, nothing in VAWA Final Rule may be construed to limit the authority of the covered housing provider to:

- a. Deny admission by the applicant or tenant to the housing or program;
- b. Deny assistance under the covered housing program to the applicant or tenant;
- c. Terminate the participation of the tenant in the covered housing program; or
- d. Evict the tenant, or a lawful occupant that commits a violation of a lease.

An individual's failure to timely provide documentation of domestic violence, dating violence, sexual assault, or stalking does not result in a waiver of the individual's right to challenge the denial of assistance or termination, nor does it preclude the individual's ability to raise an incident of domestic violence, dating violence, sexual assault, or stalking at eviction or termination proceedings.

Moves

A victim of domestic violence, dating violence, sexual assault, or stalking may move in violation of their lease if the move is required to protect their safety. If a move results in the termination of the Housing Assistance Payment Contract, the lease is automatically terminated.

Lease Bifurcation

Owners may choose to bifurcate a lease, or remove a household member from a lease in order to evict, remove, terminate occupancy rights, or terminate assistance to such member who engages in criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking against an affiliated individual or other individual. (See 24 CFR 5.2009(a).) If an owner chooses to bifurcate the lease, the owner must comply with the reasonable time to establish eligibility under the covered housing program or find alternative housing following lease bifurcation provision in 24 CFR 5.2009(b). VAWA protections, including bifurcation, do not apply to guests or unreported members of a household or anyone else residing in a household who is not a tenant.

Eviction, removal, termination of occupancy rights, or termination of assistance must be effected in accordance with the procedures prescribed by federal, state, or local law for termination of leases.

To avoid unnecessary delay in the bifurcation process, HUD recommends that owners seek court-ordered eviction of the perpetrator pursuant to applicable laws. This process results in the underlying lease becoming null and void once the owner regains possession of the unit. The owner would then execute a new lease with the victim.

Evictions Due to “Actual and Imminent Threat” or Violations Not Premised on Abuse

The VAWA Final Rule generally prohibits eviction on the basis or as a direct result of the fact that the applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the applicant or tenant otherwise qualifies for assistance, participation or occupancy. (See 24 CFR 5.2005.)

However, the VAWA Final Rule does not prohibit an owner from evicting a tenant for any violation not premised on an act of domestic violence, dating violence, sexual assault, or stalking that is in question against the tenant or an affiliated individual of the tenant. Nor does the VAWA Final Rule prohibit an owner from evicting a tenant if the owner can demonstrate an actual and imminent threat to other tenants or those employed at or providing services to property of the owner would be present if that tenant or lawful occupant is not evicted or terminated from assistance. (See 5.2005(d)(2) and (3).)

In order to demonstrate an actual and imminent threat to other tenants or employees at the property, the covered housing provider must have objective evidence of words, gestures, actions, or other indicators that meet the standards in the following definition:

Actual and imminent threat refers to a physical danger that is real, would occur within an immediate time frame, and could result in death or serious bodily harm. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include:

- The duration of the risk;
- The nature and severity of the potential harm;
- The likelihood that the potential harm will occur; and
- The length of time before the potential harm would occur.

(See 24 CFR 5.2003 and 5.2005(d)(2).)

Confidentiality

Any information submitted to a covered housing provider under 24 CFR 5.2007, including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking, must be maintained in strict confidence by the covered housing provider. (See 24 CFR 5.2007(c).)

Employees of the owner (or those within their employ, e.g., contractors) must not have access to the information unless explicitly authorized by the owner for reasons that specifically call for these individuals to have access to this information under applicable Federal, State, or local law (e.g., the information is needed by an employee to provide the VAWA protections to the victim).

The owner must not enter this information into any shared database, or disclose this information to any other entity or individual, except to the extent that disclosure is:

- a. Requested or consented to in writing by the individual (victim) in a time-limited release;
- b. Required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program; or
- c. Otherwise required by applicable law.

When communicating with the victim, owners must take precautions to ensure compliance with these confidentiality requirements.

Service Providers

[insert name of housing provider] has extensive relationships with local service providers. [insert name of housing provider] staff are available to provide referrals to shelters, counselors, and advocates. These resources are also provided in [insert name of housing provider] Annual and 5-Year Plan, Administrative Plan, VAWA Notice of Occupancy Rights, and Emergency Transfer Plan. A list of local service providers is attached to this Notice.

Definitions

Actual and imminent threat refers to a physical danger that is real, would occur within an immediate time frame, and could result in death or serious bodily harm. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include: the duration of the risk, the nature and severity of the potential harm, the likelihood that the potential harm will occur, and the length of time before the potential harm would occur.

Affiliated individual, with respect to an individual, means:

- (1) A spouse, parent, brother, sister, or child of that individual, or a person to whom that individual stands in the place of a parent or guardian (for example, the affiliated individual is a person in the care, custody, or control of that individual); or
- (2) Any individual, tenant, or lawful occupant living in the household of that individual.

Bifurcate means to divide a lease as a matter of law, subject to the permissibility of such process under the requirements of the applicable HUD-covered program and State or local law, such that certain tenants or lawful occupants can be evicted or removed and the remaining tenants or lawful occupants can continue to reside in the unit under the same lease requirements or as may be revised depending upon the eligibility for continued occupancy of the remaining tenants and lawful occupants.

Dating violence means violence committed by a person:

- (1) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- (2) Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - (i) The length of the relationship;
 - (ii) The type of relationship; and
 - (iii) The frequency of interaction between the persons involved in the relationship.

Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction. The term "spouse or intimate partner of the victim" includes a person who is or has been in a social relationship of a romantic or intimate nature with the victim, as determined by the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship.

Sexual assault means any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- (1) Fear for the person's individual safety or the safety of others; or
- (2) Suffer substantial emotional distress.

VAWA means the Violence Against Women Act of 1994, as amended (42 U.S.C. 13925 and 42 U.S.C. 14043e et seq.).

Attached:

Legal services and the domestic violence resources for the Metro area

Form HUD-5382 Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking

[insert name of housing provider] VAWA Notice of Occupancy Rights

Chapter 17

PROJECT-BASED VOUCHERS

| | |
|--|----|
| INTRODUCTION | 3 |
| PART I: GENERAL REQUIREMENTS | 4 |
| 17-I.A. OVERVIEW [24 CFR 983.5; FR NOTICE 1/18/17; NOTICE PIH 2017-21] | 4 |
| 17-I.B. TENANT-BASED VS. PROJECT-BASED VOUCHER ASSISTANCE | 5 |
| PART II: PBV OWNER PROPOSALS | 7 |
| 17-II.A. OVERVIEW | 7 |
| 17-II.B. OWNER PROPOSAL SELECTION PROCEDURES [24 CFR 983.51(B)] | 7 |
| 17-II.C. HOUSING TYPE [24 CFR 983.52] | 11 |
| 17-II.D. PROHIBITION OF ASSISTANCE FOR CERTAIN UNITS | 12 |
| 17-II.E. SUBSIDY LAYERING REQUIREMENTS | 13 |
| 17-II.F. CAP ON NUMBER OF PBV UNITS IN EACH PROJECT | 13 |
| 17-II.G. SITE SELECTION STANDARDS | 15 |
| 17-II.H. ENVIRONMENTAL REVIEW [24 CFR 983.58] | 16 |
| PART III: DWELLING UNITS | 18 |
| 17-III.A. OVERVIEW | 18 |
| 17-III.B. HOUSING QUALITY STANDARDS [24 CFR 983.101] | 18 |
| 17-III.C. HOUSING ACCESSIBILITY FOR PERSONS WITH DISABILITIES | 18 |
| 17-III.D. INSPECTING UNITS | 19 |
| PART IV: REHABILITATED AND NEWLY CONSTRUCTED UNITS | 20 |
| 17-IV.A. OVERVIEW [24 CFR 983.151] | 21 |
| 17-IV.B. AGREEMENT TO ENTER INTO HAP CONTRACT | 21 |
| 17-IV.C. CONDUCT OF DEVELOPMENT WORK | 22 |
| 17-IV.D. COMPLETION OF HOUSING | 22 |
| PART V: HOUSING ASSISTANCE PAYMENTS CONTRACT (HAP) | 24 |
| 17-V.A. OVERVIEW | 24 |
| 17-V.B. HAP CONTRACT REQUIREMENTS | 24 |
| 17-V.C. AMENDMENTS TO THE HAP CONTRACT | 27 |
| 17-V.D. HAP CONTRACT YEAR, ANNIVERSARY AND EXPIRATION DATES] | 27 |
| 17-V.E. OWNER RESPONSIBILITIES UNDER THE HAP CONTRACT | 28 |
| 17-V.F. ADDITIONAL HAP REQUIREMENTS | 28 |

| | |
|--|----|
| PART VI: SELECTION OF PBV PROGRAM PARTICIPANTS | 30 |
| 17-VI.A. OVERVIEW | 30 |
| 17-VI.B. ELIGIBILITY FOR PBV ASSISTANCE [24 CFR 983.251(A) AND (B)] | 30 |
| 17-VI.C. ORGANIZATION OF THE WAITING LIST [24 CFR 983.251(C)]..... | 31 |
| 17-VI.D. SELECTION FROM THE WAITING LIST [24 CFR 983.251(C)]..... | 31 |
| 17-VI.E. OFFER OF PBV ASSISTANCE | 32 |
| 17-VI.F. OWNER SELECTION OF TENANTS | 32 |
| PART VII: OCCUPANCY | 35 |
| 17-VII.A. OVERVIEW | 35 |
| 17-VII.B. LEASE [24 CFR 983.256]..... | 35 |
| 17-VII.C. MOVES | 37 |
| 17-VII.D. EXCEPTIONS TO THE OCCUPANCY CAP [24 CFR 983.262]..... | 39 |
| PART VIII: DETERMINING RENT TO OWNER | 41 |
| 17-VIII.A. OVERVIEW | 41 |
| 17-VIII.B. RENT LIMITS [24 CFR 983.301]..... | 41 |
| 17-VIII.C. REASONABLE RENT [24 CFR 983.303]..... | 44 |
| 17-VIII.D. EFFECT OF OTHER SUBSIDY AND RENT CONTROL..... | 45 |
| PART IX: PAYMENTS TO OWNER | 46 |
| 17-IX.A. HOUSING ASSISTANCE PAYMENTS [24 CFR 983.351] | 46 |
| 17-IX.B. VACANCY PAYMENTS [24 CFR 983.352] | 46 |
| 17-IX.C. TENANT RENT TO OWNER [24 CFR 983.353] | 47 |
| 17-IX.D. OTHER FEES AND CHARGES [24 CFR 983.354] | 47 |
| EXHIBIT 17-1: PBV DEVELOPMENT INFORMATION..... | 49 |
| EXHIBIT 17-2: SPECIAL PROVISIONS APPLYING TO TPVS AWARDED AS PART OF A VOLUNTARY CONVERSION OF PUBLIC HOUSING UNITS IN PROJECTS THAT INCLUDE RAD PBV UNITS | 51 |

INTRODUCTION

This chapter describes HUD regulations and GRHC policies related to the project-based voucher (PBV) program in nine parts:

Part I: General Requirements. This part describes general provisions of the PBV program including maximum budget authority requirements, relocation requirements, and equal opportunity requirements.

Part II: PBV Owner Proposals. This part includes policies related to the submission and selection of owner proposals for PBV assistance. It describes the factors the GRHC will consider when selecting proposals, the type of housing that is eligible to receive PBV assistance, the cap on assistance at projects receiving PBV assistance, subsidy layering requirements, site selection standards, and environmental review requirements.

Part III: Dwelling Units. This part describes requirements related to housing quality standards, the type and frequency of inspections, and housing accessibility for persons with disabilities.

Part IV: Rehabilitated and Newly Constructed Units. This part describes requirements and policies related to the development and completion of rehabilitated and newly constructed housing units that will be receiving PBV assistance.

Part V: Housing Assistance Payments Contract. This part discusses HAP contract requirements and policies including the execution, term, and termination of the HAP contract. In addition, it describes how the HAP contract may be amended and identifies provisions that may be added to the HAP contract at the GRHC's discretion.

Part VI: Selection of PBV Program Participants. This part describes the requirements and policies governing how the GRHC and the owner will select a family to receive PBV assistance.

Part VII: Occupancy. This part discusses occupancy requirements related to the lease and describes under what conditions families are allowed or required to move. In addition, exceptions to the occupancy cap (which limits PBV assistance to 25 percent of the units in any project) are also discussed.

Part VIII: Determining Rent to Owner. This part describes how the initial rent to owner is determined, and how rent will be redetermined throughout the life of the HAP contract. Rent reasonableness requirements are also discussed.

Part IX: Payments to Owner. This part describes the types of payments owners may receive under this program.

PART I: GENERAL REQUIREMENTS

17-I.A. OVERVIEW [24 CFR 983.5; FR Notice 1/18/17; Notice PIH 2017-21]

The project-based voucher (PBV) program allows PHAs that already administer a tenant-based voucher program under an annual contributions contract (ACC) with HUD to take up to 20 percent of its authorized units and attach the funding to specific units rather than using it for tenant-based assistance [24 CFR 983.6]. PHAs may only operate a PBV program if doing so is consistent with the PHA's Annual Plan, and the goal of deconcentrating poverty and expanding housing and economic opportunities [42 U.S.C. 1437f(o)(13)].

GRHC MTW Flexibility

The GRHC will operate a project-based voucher program using up to 50 percent of its authorized units for project-based assistance.

PBV assistance may be attached to existing housing or newly constructed or rehabilitated housing [24 CFR 983.52]. If PBV units are already selected for project-based assistance either under an agreement to enter into HAP Contract (Agreement) or a HAP contract, the GRHC is not required to reduce the number of these units if the number of authorized units is subsequently reduced. However, the GRHC is responsible for determining the amount of budget authority that is available for project-based vouchers and ensuring that the amount of assistance that is attached to units is within the amounts available under the ACC, regardless of whether the GRHC has vouchers available for project-basing [FR Notice 1/18/17].

Additional Project-Based Units [FR Notice 1/18/17; Notice PIH 2017-21]

The GRHC may project-base an additional 10 percent of its units above the 20 percent program limit. The units may be distributed among one, all, or a combination of the categories as long as the total number of units does not exceed the 10 percent cap. Units qualify under this exception if the units:

- Are specifically made available to house individuals and families that meet the definition of homeless under section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302) and contained in the Continuum of Care Interim Rule at 24 CFR 578.3.
- Are specifically made available to house families that are comprised of or include a veteran.
 - *Veteran* means an individual who has served in the United States Armed Forces.
- Provide supportive housing to persons with disabilities or elderly persons as defined in 24 CFR 5.403.
- Are located in a census tract with a poverty rate of 20 percent or less, as determined in the most recent American Community Survey Five-Year Estimates.

Only units that are under a HAP contract that was first executed on or after April 18, 2017, are covered by the 10 percent exception.

GRHC MTW Flexibility

The GRHC will operate a project-based voucher program using up to 50 percent of its authorized units for project-based assistance.

Units Not Subject to the PBV Program Limitation [FR Notice 1/18/17]

PBV units under the RAD program and HUD-VASH PBV set-aside vouchers do not count toward the 20 percent limitation when PBV assistance is attached to them (See Exhibit 17-2).

In addition, units that were previously subject to certain federal rent restrictions or were receiving another type of long-term housing subsidy provided by HUD are not subject to the cap. The unit must be covered under a PBV HAP contract that first became effective on or after April 18, 2017.

GRHC MTW Flexibility

GRHC may project-base units not subject to the 50 percent cap in accordance with HUD MTW Operations Notice.

17-I.B. TENANT-BASED VS. PROJECT-BASED VOUCHER ASSISTANCE [24 CFR 983.2]

Much of the tenant-based voucher program regulations also apply to the PBV program. Consequently, many of the PHA policies related to tenant-based assistance also apply to PBV assistance. The provisions of the tenant-based voucher regulations that do not apply to the PBV program are listed at 24 CFR 983.2.

Except as otherwise noted in this chapter, or unless specifically prohibited by HUD program regulations, the GRHC policies for the tenant-based voucher program contained in this administrative plan also apply to the GRHC PBV program and its participants.

17 I.C. RELOCATION REQUIREMENTS [24 CFR 983.7]

Any persons displaced as a result of implementation of the PBV program must be provided relocation assistance in accordance with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA)[42 U.S.C. 4201-4655] and implementing regulations at 49 CFR part 24.

The cost of required relocation assistance may be paid with funds provided by the owner, local public funds, or funds available from other sources. The GRHC may not use voucher program funds to cover relocation costs, except that the GRHC may use their administrative fee reserve to pay for relocation expenses after all other program administrative expenses are satisfied, and provided that payment of the relocation benefits is consistent with state and local law. Use of the administrative fee for these purposes must also be consistent with other legal and regulatory requirements, including the requirement in 24 CFR 982.155 and other official HUD issuances.

The acquisition of real property for a PBV project is subject to the URA and 49 CFR part 24, subpart B. It is the responsibility of the GRHC to ensure the owner complies with these requirements.

17-I.D. EQUAL OPPORTUNITY REQUIREMENTS [24 CFR 983.8]

The GRHC must comply with all equal opportunity requirements under federal law and regulations in its implementation of the PBV program. This includes the requirements and authorities cited at 24 CFR 5.105(a). In addition, the GRHC must comply with the GRHC Plan certification on civil rights and affirmatively furthering fair housing, submitted in accordance with 24 CFR 903.7(o).

PART II: PBV OWNER PROPOSALS

17-II.A. OVERVIEW

With certain exceptions, the GRHC will describe the procedures for owner submission of PBV proposals and for GRHC selection of PBV proposals [24 CFR 983.51]. Before selecting a PBV proposal, the GRHC will determine that the PBV proposal complies with HUD program regulations and requirements, including a determination that the property is eligible housing [24 CFR 983.53 and 983.54], complies with the cap on the number of PBV units per project [24 CFR 983.56], and meets the site selection standards [24 CFR 983.57]. The GRHC will not commit PBVs until or unless it has followed the proposal selection requirements defined in 24 CFR 983.51 [Notice PIH 2011-54].

17-II.B. OWNER PROPOSAL SELECTION PROCEDURES [24 CFR 983.51(b)]

The GRHC will select PBV proposals in accordance with the selection procedures in the GRHC administrative plan. The GRHC will select PBV proposals by either of the following two methods.

- GRHC request for PBV Proposals. The GRHC may solicit proposals by using a request for proposals to select proposals on a competitive basis in response to the GRHC request. The GRHC may not limit proposals to a single site or impose restrictions that explicitly or practically preclude owner submission of proposals for PBV housing on different sites.
- The GRHC may select proposal that were previously selected based on a competition. This may include selection of a proposal for housing assisted under a federal, state, or local government housing assistance program that was subject to a competition in accordance with the requirements of the applicable program, community development program, or supportive services program that requires competitive selection of proposals (e.g., HOME, and units for which competitively awarded LIHTCs have been provided), where the proposal has been selected in accordance with such program's competitive selection requirements within three years of the PBV proposal selection date, and the earlier competitive selection proposal did not involve any consideration that the project would receive PBV assistance. The GRHC will not conduct another competition.

Units Selected Non-Competitively [FR Notice 1/18/17; Notice PIH 2017-21; 24 CFR 983.51(b)]

For certain public housing projects where the GRHC has an ownership interest or control, the GRHC may attach PBV assistance non-competitively without following one of the two processes above.

This exception applies when the GRHC is engaged in an initiative to improve, develop, or replace a public housing property or site. The public housing units may either currently be in the public housing inventory or may have been removed from the public housing inventory within five years of the date on which the PHA entered into the AHAP or HAP.

If the GRHC is planning rehabilitation or new construction on the project, a minimum threshold of \$25,000 per unit in hard costs must be expended.

If the GRHC plans to replace public housing by attaching PBV assistance to existing housing in which the GRHC has an ownership interest or control, then the \$25,000 per unit minimum threshold does not apply as long as the existing housing substantially complies with HQS.

The GRHC must include in the administrative plan what work it plans to do on the property or site and how many PBV units will be added to the site. The GRHC will attach PBVs to projects owned by the GRHC as described above.

Solicitation and Selection of PBV Proposals [24 CFR 983.51(c)]

The GRHC procedures for selecting PBV proposals must be designed and actually operated to provide broad public notice of the opportunity to offer PBV proposals for consideration by the GRHC. The public notice procedures may include publication of the public notice in a local newspaper of general circulation and other means designed and actually operated to provide broad public notice. The public notice of the GRHC request for PBV proposals must specify the submission deadline. Detailed application and selection information must be provided at the request of interested parties.

GRHC Request for Proposals for Rehabilitated and Newly Constructed Units

The GRHC will advertise its request for proposals (RFP) for rehabilitated and newly constructed housing in local newspapers and trade journals with general circulation, to ensure broad public notice. GRHC will also provide public notice on its public website: grhousing.org and social media accounts.

The advertisement will state the number of vouchers available to be project-based, the type of units that will be considered, the submission deadline, and will note how to obtain the full RFP with information on the application and selection process. Advertisements will also contain a statement that participation in the PBV program requires compliance with Fair Housing and Equal Opportunity (FHEO) requirements.

In addition, the GRHC will post the RFP and proposal submission and rating and ranking procedures on its website.

The GRHC will publish its advertisement in the newspapers and trade journals for at least one day per week for three consecutive weeks. The advertisement will specify the number of units the GRHC estimates that it will be able to assist under the funding the GRHC is making available. Proposals will be due in the GRHC office by close of business 30 calendar days from the date of the last publication.

In order for the proposal to be considered, the owner must submit the proposal to the GRHC by the published deadline date, and the proposal must respond to all requirements as outlined in the RFP. Incomplete proposals will not be reviewed.

The GRHC will rate and rank proposals for rehabilitated and newly constructed housing using the following criteria:

- Owner experience and capability to build or rehabilitate housing as identified in the RFP;
- Extent to which the project furthers the GRHC goal of deconcentrating poverty and expanding housing and economic opportunities;

- If applicable, the extent to which services for special populations are provided on site or in the immediate area for occupants of the property; and
- In order to promote partially assisted projects, projects where less than 25 percent of the units will be assisted will be rated higher than projects where 25 percent or more of the units will be assisted. In the case of projects for occupancy by the elderly, persons with disabilities or families needing other services, the PHA will rate partially assisted projects on the percentage of units assisted. Projects with the lowest percentage of assisted units will receive the highest score.

GRHC Requests for Proposals for Existing Housing Units

The GRHC will advertise its request for proposals (RFP) for existing housing in local newspapers and trade journals with general circulation, to ensure broad public notice. GRHC will also provide public notice on its public website: grhousing.org and social media accounts.

The advertisement will state the number of vouchers available to be project-based, the type of units that will be considered, the submission deadline, and will note how to obtain the full RFP with information on the application and selection process. Advertisements will also contain a statement that participation in the GRHC program requires compliance with Fair Housing and Equal Opportunity (FHEO) requirements.

The GRHC will publish its advertisement in the newspapers and trade journals for at least one day per week for three consecutive weeks. The advertisement will specify the number of units the GRHC estimates that it will be able to assist under the funding the GRHC is making available. Owner proposals will be evaluated using the following criteria:

- Experience as an owner in the tenant-based voucher program and owner compliance with the owner's obligations under the tenant-based program;
- Extent to which the project furthers the GRHC goal of deconcentrating poverty and expanding housing and economic opportunities;
- If applicable, extent to which services for special populations are provided on site or in the immediate area for occupants of the property; and

Extent to which units are occupied by families that are eligible to participate in the GRHC program.

GRHC Selection of Proposals Subject to a Previous Competition under a Federal, State, or Local Housing Assistance Program

The GRHC will accept proposals for PBV assistance from owners that were competitively selected under another federal, state or local housing assistance program, including projects that were competitively awarded Low-Income Housing Tax Credits on an ongoing basis.

The advertisement will state the number of vouchers available to be project-based, the type of units that will be considered, the submission deadline, and will note how to obtain the full RFP with information on the application and selection process. Advertisements will also contain a statement that participation in the PBV program requires compliance with Fair Housing and Equal Opportunity (FHEO) requirements.

In addition to, or in place of advertising, the GRHC may also directly contact specific owners that have already been selected for Federal, state, or local housing assistance based on a previously held competition, to inform them of available PBV assistance.

The GRHC will evaluate each proposal on its merits using the following factors:

- Extent to which the project furthers the GRHC goal of deconcentrating poverty and expanding housing and economic opportunities; and
- Extent to which the proposal complements other local activities such as the redevelopment of a public housing site under the HOPE VI program, the HOME program, CDBG activities, other development activities in a HUD-designated Enterprise Zone, Economic Community, Choice Neighborhood, or Renewal Community.

GRHC-Owned Units [24 CFR 983.51(e), 983.59, FR Notice 1/18/17, and Notice PIH 2017-21]

GRHC MTW Flexibility

The GRHC will utilize the elimination of PBV Selection Process for PHA-owned Project without improvement, development, or replacement in order to reduce costs associated with the RFP process.

Upon HUD approval of MTW flexibilities these requirements are no longer applicable.

A GRHC-owned unit may be assisted under the PBV program only if the HUD field office or HUD-approved independent entity reviews the selection process and determines that the GRHC-owned units were appropriately selected based on the selection procedures specified in the GRHC administrative plan. This also applies to noncompetitive selections. If the PHA selects a proposal for housing that is owned or controlled by the GRHC, the GRHC must identify the entity that will review the GRHC proposal selection process and perform specific functions with respect to rent determinations, the term of the HAP contract, and inspections.

In the case of GRHC-owned units, the term of the HAP contract and any HAP contract renewal must be agreed upon by the GRHC and a HUD-approved independent entity. In addition, an independent entity must determine the initial rent to owner, the redetermined rent to owner, and reasonable rent. Housing quality standards inspections must also be conducted by an independent entity.

GRHC Notice of Owner Selection [24 CFR 983.51(d)]

Within 15 calendar days of the GRHC making the selection, the GRHC will notify the selected owner in writing of the owner's selection for the PBV program. The PHA will also notify in writing all owners that submitted proposals that were not selected and advise such owners of the name of the selected owners.

In addition, the GRHC will publish its notice for selection of GRHC proposals for two consecutive days in the same newspapers and trade journals the GRHC used to solicit the proposals. The announcement will include the name of the owner that was selected for the PBV program. The GRHC will also post the notice of owner selection on its electronic web site.

The GRHC will make available to any interested party its rating and ranking sheets and documents that identify the GRHC basis for selecting the proposal. These documents will be available for review by the public and other interested parties for one month after publication of the notice of owner selection. The GRHC will not make available sensitive owner information that is privileged, such as financial statements and similar information about the owner.

17-II.C. HOUSING TYPE [24 CFR 983.52]

The GRHC may attach PBV assistance for units in existing housing or for newly constructed or rehabilitated housing developed under and in accordance with an agreement to enter into a housing assistance payments contract that was executed prior to the start of construction. A housing unit is considered an existing unit for purposes of the PBV program, if, at the time of notice of GRHC selection, the units substantially comply with HQS. Units for which new construction or rehabilitation began after the owner's proposal submission but prior to the execution of the HAP do not subsequently qualify as existing housing. Units that were newly constructed or rehabilitated in violation of program requirements also do not qualify as existing housing.

The GRHC will decide what housing type, new construction, rehabilitation, or existing housing, will be used to develop project-based housing. The GRHC choice of housing type must be reflected in its solicitation for proposals.

17-II.D. PROHIBITION OF ASSISTANCE FOR CERTAIN UNITS

Ineligible Housing Types [24 CFR 983.53]

The GRHC may not attach or pay PBV assistance to shared housing units; units on the grounds of a penal reformatory, medical, mental, or similar public or private institution; nursing homes or facilities providing continuous psychiatric, medical, nursing services, board and care, or intermediate care (except that assistance may be provided in assisted living facilities); units that are owned or controlled by an educational institution or its affiliate and are designated for occupancy by students; manufactured homes; and transitional housing. In addition, the GRHC will not attach or pay PBV assistance for a unit occupied by an owner and the GRHC will not select or enter into an agreement to enter into a HAP contract or HAP contract for a unit occupied by a family ineligible for participation in the PBV program. A member of a cooperative who owns shares in the project assisted under the PBV program is not considered an owner for purposes of participation in the PBV program. Finally, PBV assistance may not be attached to units for which construction or rehabilitation has started after the proposal submission and prior to the execution of an AHAP.

Subsidized Housing [24 CFR 983.54]

The GRHC will not attach or pay PBV assistance to units in any of the following types of subsidized housing:

- A public housing unit;
- A unit subsidized with any other form of Section 8 assistance;
- A unit subsidized with any governmental rent subsidy;
- A unit subsidized with any governmental subsidy that covers all or any part of the operating costs of the housing;
- A unit subsidized with Section 236 rental assistance payments (except that a PHA may attach assistance to a unit subsidized with Section 236 interest reduction payments);
- A Section 202 project for non-elderly with disabilities;
- Section 811 project-based supportive housing for persons with disabilities;
- Section 202 supportive housing for the elderly;
- A Section 101 rent supplement project;
- A unit subsidized with any form of tenant-based rental assistance;
- A unit with any other duplicative federal, state, or local housing subsidy, as determined by HUD or the GRHC in accordance with HUD requirements.

17-II.E. SUBSIDY LAYERING REQUIREMENTS [24 CFR 983.55, Notice PIH 2013-11, and FR Notice 2/28/20]

The subsidy layering review is intended to prevent excessive public assistance by combining (layering) housing assistance payment subsidy under the PBV program with other governmental housing assistance from federal, state, or local agencies, including assistance such as tax concessions or tax credits.

HUD requires new construction and rehabilitation housing that will include forms of governmental assistance other than PBVs to undergo a subsidy layering review (SLR) prior to entering into an Agreement to Enter into Housing Assistance Payments Contract (AHAP). Subsidy layering requirements do not apply to existing housing, when PBV is the only governmental assistance, or for projects already subject to a PBV HAP contract, even if the project is recapitalized with outside sources of funding.

When the GRHC selects a new construction or rehabilitation project, the GRHC will require information regarding all HUD and/or other federal, state, or local governmental assistance to be disclosed by the project owner using Form HUD-2880. Appendix A of FR Notice 2/28/20 contains a list of all required documentation.

Either HUD or a HUD-approved housing credit agency (HCA) in the PHA's jurisdiction performs the subsidy layering review. The GRHC will request an SLR through their local HUD Field Office or, if eligible, through a participating HCA.

If the SLR request is submitted to an approved HCA, and the proposed project-based voucher assistance meets HUD subsidy layering requirements, the HCA must submit a certification to HUD and notify the GRHC. The GRHC may proceed to execute an AHAP at that time if the environmental approval is received.

The HAP contract must contain the owner's certification that the project has not received and will not receive (before or during the term of the HAP contract) any public assistance for acquisition, development, or operation of the housing other than assistance disclosed in the subsidy layering review in accordance with HUD requirements.

17-II.F. CAP ON NUMBER OF PBV UNITS IN EACH PROJECT

25 Percent per Project Cap [24 CFR 983.56, FR Notice 1/18/17, and Notice PIH 2017-21]

In general, the GRHC will not select a proposal to provide PBV assistance for units in a project or enter into an agreement to enter into a HAP or a HAP contract to provide PBV assistance for units in a project, if the total number of dwelling units in the project that will receive PBV assistance during the term of the PBV HAP contract is more than the greater of 25 units or 25 percent of the number of dwelling units (assisted or unassisted) in the project.

Exceptions to 25 Percent per Project Cap [FR Notice 1/18/17; Notice PIH 2017-21]

As of April 18, 2017, units are not counted against the 25 percent or 25-unit per project cap if:

- The units are exclusively for elderly families
- The units are for households eligible for supportive services available to all families receiving PBV assistance in the project

- If the project is located in a census tract with a poverty rate of 20 percent or less, as determined in the most recent American Community Survey Five-Year estimates, the project cap is the greater of 25 units or 40 percent (instead of 25 percent) of the units in the project [FR Notice 7/14/17].

The Housing Opportunity Through Modernization Act of 2016 (HOTMA) eliminated the project cap exemption for projects that serve disabled families and modified the exception for supportive services. Projects where these caps were implemented prior to HOTMA (HAP contracts executed prior to April 18, 2017) may continue to use the former exceptions and may renew their HAP contracts under the old requirements, unless the PHA and owner agree to change the conditions of the HAP contract. However, this change may not be made if it would jeopardize an assisted family's eligibility for continued assistance in the project.

GRHC MTW Flexibility

The GRHC will increase the project cap for PBVs from 25% to 100% per project cap to meet community needs for affordable units as identified by the local Consolidated Plan and local needs assessment.

Supportive Services

The GRHC must include in the GRHC administrative plan the type of services offered to families for a project to qualify for the exception and the extent to which such services will be provided. As of April 18, 2017, the project must make supportive services available to all families receiving PBV assistance in the project, but the family does not actually have to accept and receive supportive services for the exception to apply to the unit, although the family must be eligible to receive the supportive services. It is not necessary that the services be provided at or by the project, but must be reasonably available to families receiving PBV assistance at the project and designed to help families in the project achieve self-sufficiency or live in the community as independently as possible. The GRHC will not require participation in the supportive service as a condition of living in the excepted unit, although such services may be offered. Excepted units will be limited to units for elderly families.

Projects not Subject to a Project Cap [FR Notice 1/18/17; Notice PIH 2017-21]

PBV units that were previously subject to certain federal rent restrictions or receiving another type of long-term housing subsidy provided by HUD are exempt from the project cap. In other words, 100 percent of the units in these projects may receive PBV assistance.

Promoting Partially Assisted Projects [24 CFR 983.56(c)]

The GRHC will establish a per-project cap on the number of units that will receive PBV assistance or other project-based assistance in a multifamily project containing excepted units or in a single-family building. The GRHC will establish per project caps in the request for proposal documents, if applicable.

17-II.G. SITE SELECTION STANDARDS

Compliance with PBV Goals, Civil Rights Requirements, and HQS Site Standards [24 CFR 983.57(b)]

The GRHC will not select a proposal for existing, newly constructed, or rehabilitated PBV housing on a site or enter into an agreement to enter into a HAP contract or HAP contract for units on the site, unless the GRHC has determined that PBV assistance for housing at the selected site is consistent with the goal of deconcentrating poverty and expanding housing and economic opportunities. The standard for deconcentrating poverty and expanding housing and economic opportunities must be consistent with the GRHC Plan under 24 CFR 903 and the GRHC administrative plan.

In addition, prior to selecting a proposal, the GRHC will determine that the site is suitable from the standpoint of facilitating and furthering full compliance with the applicable Civil Rights Laws, regulations, and Executive Orders, and that the site meets the HQS site and neighborhood standards at 24 CFR 982.401(l).

It is the GRHC goal to select sites for PBV housing that provide for deconcentrating poverty and expanding housing and economic opportunities. In complying with this goal the PHA will limit approval of sites for PBV housing in census tracts that have poverty concentrations of 20 percent or less.

However, the GRHC will grant exceptions to the 20 percent standard where the GRHC determines that the PBV assistance will complement other local redevelopment activities designed to deconcentrate poverty and expand housing and economic opportunities in census tracts with poverty concentrations greater than 20 percent, such as sites in:

- A census tract in which the proposed PBV development will be located in a HUD-designated Enterprise Zone, Economic Community, Choice Neighborhood, or Renewal Community;
- A census tract in which the proposed PBV development will be located is undergoing significant revitalization as a result of state, local, or federal dollars invested in the area;
- A census tract where new market rate units are being developed where such market rate units will positively impact the poverty rate in the area;
- A census tract where there has been an overall decline in the poverty rate within the past five years; or
- A census tract where there are meaningful opportunities for educational and economic advancement.

Existing and Rehabilitated Housing Site and Neighborhood Standards [24 CFR 983.57(d)]

The PHA may not enter into an agreement to enter into a HAP contract nor enter into a HAP contract for existing or rehabilitated housing until it has determined that the site complies with the HUD required site and neighborhood standards. The site must:

- Be adequate in size, exposure, and contour to accommodate the number and type of units proposed;
- Have adequate utilities and streets available to service the site;

- Promote a greater choice of housing opportunities and avoid undue concentration of assisted persons in areas containing a high proportion of low-income persons;
- Be accessible to social, recreational, educational, commercial, and health facilities and services and other municipal facilities and services equivalent to those found in neighborhoods consisting largely of unassisted similar units; and
- Be located so that travel time and cost via public transportation or private automobile from the neighborhood to places of employment is not excessive.

New Construction Site and Neighborhood Standards [24 CFR 983.57(e)]

In order to be selected for PBV assistance, a site for newly constructed housing must meet the following HUD required site and neighborhood standards:

- The site must be adequate in size, exposure, and contour to accommodate the number and type of units proposed;
- The site must have adequate utilities and streets available to service the site;
- The site must not be located in an area of minority concentration unless the PHA determines that sufficient, comparable opportunities exist for housing for minority families in the income range to be served by the proposed project outside areas of minority concentration or that the project is necessary to meet overriding housing needs that cannot be met in that housing market area;
- The site must not be located in a racially mixed area if the project will cause a significant increase in the proportion of minority to non-minority residents in the area.
- The site must promote a greater choice of housing opportunities and avoid undue concentration of assisted persons in areas containing a high proportion of low-income persons;
- The neighborhood must not be one that is seriously detrimental to family life or in which substandard dwellings or other undesirable conditions predominate;
- The housing must be accessible to social, recreational, educational, commercial, and health facilities and services and other municipal facilities and services equivalent to those found in neighborhoods consisting largely of unassisted similar units; and
- Except for housing designed for elderly persons, the housing must be located so that travel time and cost via public transportation or private automobile from the neighborhood to places of employment is not excessive.

17-II.H. ENVIRONMENTAL REVIEW [24 CFR 983.58]

The GRHC activities under the PBV program are subject to HUD environmental regulations in 24 CFR parts 50 and 58. The *responsible entity* is responsible for performing the federal environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). The GRHC will not enter into an agreement to enter into a HAP contract nor enter into a HAP contract until it has complied with the environmental review requirements.

In the case of existing housing, the responsible entity that is responsible for the environmental review under 24 CFR part 58 must determine whether or not PBV assistance is categorically

excluded from review under the National Environmental Policy Act and whether or not the assistance is subject to review under the laws and authorities listed in 24 CFR 58.5.

The GRHC will not enter into an agreement to enter into a HAP contract or a HAP contract with an owner, and the PHA, the owner, and its contractors may not acquire, rehabilitate, convert, lease, repair, dispose of, demolish, or construct real property or commit or expend program or local funds for PBV activities under this part, until the environmental review is completed.

The GRHC will supply all available, relevant information necessary for the responsible entity to perform any required environmental review for any site. The GRHC will require the owner to carry out mitigating measures required by the responsible entity (or HUD, if applicable) as a result of the environmental review.

PART III: DWELLING UNITS

17-III.A. OVERVIEW

This part identifies the special housing quality standards that apply to the PBV program, housing accessibility for persons with disabilities, and special procedures for conducting housing quality standards inspections.

17-III.B. HOUSING QUALITY STANDARDS [24 CFR 983.101]

The housing quality standards (HQS) for the tenant-based program, including those for special housing types, generally apply to the GRHC program. HQS requirements for shared housing, manufactured home space rental, and the homeownership option do not apply because these housing types are not assisted under the PBV program.

The physical condition standards at 24 CFR 5.703 do not apply to the PBV program.

Lead-based Paint [24 CFR 983.101(c)]

The lead-based paint requirements for the tenant-based voucher program do not apply to the PBV program. Instead, The Lead-based Paint Poisoning Prevention Act (42 U.S.C. 4821-4846), the Residential Lead-based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851-4856), and implementing regulations at 24 CFR Part 35, Subparts A, B, H, and R, and 40 CFR 745.227, apply to the PBV program.

17-III.C. HOUSING ACCESSIBILITY FOR PERSONS WITH DISABILITIES

The housing must comply with program accessibility requirements of section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and implementing regulations at 24 CFR part 8. The PHA must ensure that the percentage of accessible dwelling units complies with the requirements of section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), as implemented by HUD's regulations at 24 CFR 8, subpart C.

Housing first occupied after March 13, 1991, must comply with design and construction requirements of the Fair Housing Amendments Act of 1988 and implementing regulations at 24 CFR 100.205, as applicable. (24 CFR 983.102)

17-III.D. INSPECTING UNITS

Pre-selection Inspection [24 CFR 983.103(a)]

The GRHC will examine the proposed site before the proposal selection date. If the units to be assisted already exist, the GRHC will inspect all the units before the proposal selection date, and must determine whether the units substantially comply with HQS. To qualify as existing housing, units must substantially comply with HQS on the proposal selection date. However, the GRHC may not execute the HAP contract until the units fully comply with HQS.

Pre-HAP Contract Inspections [24 CFR 983.103(b), FR Notice 1/18/17, and Notice PIH 2017-20]

The GRHC will inspect each contract unit before execution of the HAP contract. The GRHC will not provide assistance on behalf of the family until the unit fully complies with HQS, unless the GRHC has adopted a policy to enter into a HAP contract for units that fail the initial HQS inspection as a result of only non-life-threatening conditions, or if the unit passed an alternative inspection.

The GRHC will not provide assistance on behalf of the family until the unit fully complies with HQS.

Turnover Inspections [24 CFR 983.103(c)]

Before providing assistance to a new family in a contract unit, the GRHC must inspect the unit. The GRHC may not provide assistance on behalf of the family until the unit fully complies with HQS.

Annual/Biennial Inspections [24 CFR 983.103(d); FR Notice 6/25/14]

At least once every 24 months during the term of the HAP contract, the PHA must inspect a random sample consisting of at least 20 percent of the contract units in each building to determine if the contract units and the premises are maintained in accordance with HQS. Turnover inspections are not counted toward meeting this inspection requirement.

The GRHC will inspect on a biennial basis a random sample consisting of at least 20 percent of the contract units in each building to determine if the contract units and the premises are maintained in accordance with HQS.

If more than 20 percent of the sample of inspected contract units in a building fail the initial inspection, the GRHC will reinspect 100 percent of the contract units in the building.

Other Inspections [24 CFR 983.103(e)]

The GRHC will inspect contract units whenever needed to determine that the contract units comply with HQS and that the owner is providing maintenance, utilities, and other services in accordance with the HAP contract. The GRHC will take into account complaints and any other information coming to its attention in scheduling inspections.

The GRHC will conduct follow-up inspections needed to determine if the owner (or, if applicable, the family) has corrected an HQS violation, and must conduct inspections to determine the basis for exercise of contractual and other remedies for owner or family violation of HQS.

In conducting GRHC supervisory quality control HQS inspections, the GRHC should include a representative sample of both tenant-based and project-based units.

Inspecting GRHC-Owned Units [24 CFR 983.103(f)]

In the case of GRHC-owned units, the inspections must be performed by an independent entity designated by the GRHC and approved by HUD. The independent entity must furnish a copy of each inspection report to the GRHC and to the HUD field office where the project is located. The PHA must take all necessary actions in response to inspection reports from the independent entity, including exercise of contractual remedies for violation of the HAP contract by the PHA-owner.

GRHC MTW Flexibilities

The GRHC will no longer require a third party to conduct inspections at PBV properties that the GRHC has an interest in. The GRHC will follow the inspection process utilizing the current HUD inspection method that is used for all other properties (HQS). The inspections will be subject to GRHC's voucher program quality control process.

PART IV: REHABILITATED AND NEWLY CONSTRUCTED UNITS

17-IV.A. OVERVIEW [24 CFR 983.151]

There are specific requirements that apply to PBV assistance for newly constructed or rehabilitated housing that do not apply to PBV assistance in existing housing. This part describes the requirements unique to this type of assistance.

Housing selected for this type of assistance may not at a later date be selected for PBV assistance as existing housing.

17-IV.B. AGREEMENT TO ENTER INTO HAP CONTRACT

In order to offer PBV assistance in rehabilitated or newly constructed units, the PHA must enter into an agreement to enter into HAP contract (Agreement) with the owner of the property. The Agreement must be in the form required by HUD [24 CFR 983.152(b)]. The PHA may not enter into an Agreement if commencement of construction or rehabilitation has commenced after proposal submission [24 CFR 983.152(c)]. Construction begins when excavation or site preparation (including clearing of the land) begins for the housing. Rehabilitation begins with the physical commencement of rehabilitation activity on the housing.

In the Agreement the owner agrees to develop the PBV contract units to comply with HQS, and the PHA agrees that upon timely completion of such development in accordance with the terms of the Agreement, the PHA will enter into a HAP contract with the owner for the contract units [24 CFR 983.152(a)].

Content of the Agreement [24 CFR 983.152(d)]

At a minimum, the Agreement must describe the following features of the housing to be developed and assisted under the PBV program:

- Site and the location of the contract units;
- Number of contract units by area (size) and number of bedrooms and bathrooms;
- Services, maintenance, or equipment to be supplied by the owner without charges in addition to the rent;
- Utilities available to the contract units, including a specification of utility services to be paid by the owner and utility services to be paid by the tenant;
- An indication of whether or not the design and construction requirements of the Fair Housing Act and section 504 of the Rehabilitation Act of 1973 apply to units under the Agreement. If applicable, any required work item resulting from these requirements must be included in the description of work to be performed under the Agreement;
- Estimated initial rents to owner for the contract units;
- Description of the work to be performed under the Agreement. For rehabilitated units, the description must include the rehabilitation work write up and, where determined necessary by the GRHC, specifications and plans. For new construction units, the description must include the working drawings and specifications.
- Any additional requirements for quality, architecture, or design over and above HQS.

Execution of the Agreement [24 CFR 983.153]

The GRHC will enter into the Agreement with the owner within 21 calendar days of receiving both environmental approval and notice that subsidy layering requirements have been met, and before construction or rehabilitation work is started.

17-IV.C. CONDUCT OF DEVELOPMENT WORK

Labor Standards [24 CFR 983.154(b)]

If an Agreement covers the development of nine or more contract units (whether or not completed in stages), the owner and the owner's contractors and subcontractors must pay Davis-Bacon wages to laborers and mechanics employed in the development of housing. The HUD-prescribed form of the Agreement will include the labor standards clauses required by HUD, such as those involving Davis-Bacon wage rates.

The owner, contractors, and subcontractors must also comply with the Contract Work Hours and Safety Standards Act, Department of Labor regulations in 29 CFR part 5, and other applicable federal labor relations laws and regulations. The GRHC will monitor compliance with labor standards.

Owner Disclosure [24 CFR 983.154(d) and (e)]

The Agreement and HAP contract must include a certification by the owner that the owner and other project principals are not on the U.S. General Services Administration list of parties excluded from federal procurement and non-procurement programs.

The owner must also disclose any possible conflict of interest that would be a violation of the Agreement, the HAP contract, or HUD regulations.

17-IV.D. COMPLETION OF HOUSING

The Agreement must specify the deadlines for completion of the housing, and the owner must develop and complete the housing in accordance with these deadlines. The Agreement must also specify the deadline for submission by the owner of the required evidence of completion.

Evidence of Completion [24 CFR 983.155(b)]

At a minimum, the owner must submit the following evidence of completion to the GRHC in the form and manner required by the GRHC:

- Owner certification that the work has been completed in accordance with HQS and all requirements of the Agreement; and
- Owner certification that the owner has complied with labor standards and equal opportunity requirements in development of the housing.

The GRHC will determine the need for the owner to submit additional documentation as evidence of housing completion on a case-by-case basis depending on the nature of the PBV project. The GRHC will specify any additional documentation requirements in the Agreement to enter into HAP contract.

GRHC Acceptance of Completed Units [24 CFR 983.156]

Upon notice from the owner that the housing is completed, the GRHC will inspect to determine if the housing has been completed in accordance with the Agreement, including compliance with HQS and any additional requirements imposed under the Agreement. The GRHC will also determine if the owner has submitted all required evidence of completion.

If the work has not been completed in accordance with the Agreement, the GRHC will not enter into the HAP contract.

If the GRHC determines the work has been completed in accordance with the Agreement and that the owner has submitted all required evidence of completion, the GRHC will submit the HAP contract for execution by the owner and must then execute the HAP contract.

PART V: HOUSING ASSISTANCE PAYMENTS CONTRACT (HAP)

17-V.A. OVERVIEW

The GRHC will enter into a HAP contract with an owner for units that are receiving PBV assistance. The purpose of the HAP contract is to provide housing assistance payments for eligible families. Housing assistance is paid for contract units leased and occupied by eligible families during the HAP contract term. With the exception of single-family scattered-site projects, a HAP contract shall cover a single project. If multiple projects exist, each project is covered by a separate HAP contract. The HAP contract must be in the form required by HUD [24 CFR 983.202(a)].

17-V.B. HAP CONTRACT REQUIREMENTS

Contract Information [24 CFR 983.203]

The HAP contract must specify the following information:

- The total number of contract units by number of bedrooms;
- The project's name, street address, city or county, state and zip code, block and lot number (if known), and any other information necessary to clearly identify the site and the building;
- The number of contract units in each building, the location of each contract unit, the area of each contract unit, and the number of bedrooms and bathrooms in each contract unit;
- Services, maintenance, and equipment to be supplied by the owner and included in the rent to owner;
- Utilities available to the contract units, including a specification of utility services to be paid by the owner (included in rent) and utility services to be paid by the tenant;
- Features provided to comply with program accessibility requirements of Section 504 of the Rehabilitation Act of 1973 and implementing regulations at 24 CFR part 8;
- The HAP contract term;
- The number of units in any project that will exceed the 25 percent per project cap, which will be set aside for occupancy by qualifying families (elderly and/or disabled families and families receiving supportive services); and
- The initial rent to owner for the first 12 months of the HAP contract term.

The GRHC will not enter into a HAP contract until each contract unit has been inspected and the GRHC has determined that the unit complies with the Housing Quality Standards (HQS), unless the GRHC has adopted a policy to enter into a HAP contract for units that fail the initial HQS inspection as a result of only non-life-threatening conditions. For existing housing, the HAP contract must be executed promptly after the GRHC selects the owner proposal and inspects the housing units. For newly constructed or rehabilitated housing the HAP contract must be executed after the GRHC has inspected the completed units and has determined that the units have been completed in accordance with the agreement to enter into HAP, and the owner furnishes all required evidence of completion.

For existing housing, the HAP contract will be executed within 15 calendar days of the GRHC determining that all units pass HQS.

For rehabilitated or newly constructed housing, the HAP contract will be executed within 15 calendar days of the GRHC determining that the units have been completed in accordance with the agreement to enter into HAP, all units meet HQS, and the owner has submitted all required evidence of completion.

Term of HAP Contract [24 CFR 983.205, FR Notice 1/18/17, and Notice PIH 2017-21]

The GRHC may enter into a HAP contract with an owner for an initial term of no less than one year and no more than 20 years for each contract unit. The length of the term of the HAP contract for any contract unit may not be less than one year, nor more than 20 years. The term of all PBV HAP contracts will be negotiated with the owner on a case-by-case basis.

At the time of the initial HAP contract term or any time before expiration of the HAP contract, the GRHC may extend the term of the contract for an additional term of up to 20 years if the GRHC determines an extension is appropriate to continue providing affordable housing for low-income families. A HAP contract extension may not exceed 20 years. The GRHC may provide for multiple extensions; however, in no circumstances may such extensions exceed 20 years, cumulatively. Extensions after the initial extension are allowed at the end of any extension term, provided that not more than 24 months prior to the expiration of the previous extension contract the GRHC agrees to extend the term, and that such extension is appropriate to continue providing affordable housing for low-income families or to expand housing opportunities. Extensions after the initial extension term shall not begin prior to the expiration date of the previous extension term. Subsequent extensions are subject to the same limitations. All extensions must be on the form and subject to the conditions prescribed by HUD at the time of the extension.

When determining whether or not to extend an expiring PBV contract, the GRHC will consider several factors including, but not limited to:

- The cost of extending the contract and the amount of available budget authority;
- The condition of the contract units;
- The owner's record of compliance with obligations under the HAP contract and lease(s);
- Whether the location of the units continues to support the goals of deconcentrating poverty and expanding housing opportunities; and
- Whether the funding could be used more appropriately for tenant-based assistance.

Termination by the GRHC [24 CFR 983.205(c) and FR Notice 1/18/17]

The HAP contract must provide that the term of the GRHC's contractual commitment is subject to the availability of sufficient appropriated funding as determined by HUD or by the GRHC in accordance with HUD instructions. For these purposes, sufficient funding means the availability of appropriations, and of funding under the ACC from such appropriations, to make full payment of housing assistance payments payable to the owner for any contract year in accordance with the terms of the HAP contract.

In times of insufficient funding, HUD requires that the GRHC first take all cost-saving measures prior to failing to make payments under existing PBV HAP contracts.

If it is determined that there may not be sufficient funding to continue housing assistance payments for all contract units and for the full term of the HAP contract, the GRHC may terminate the HAP contract by notice to the owner. The termination must be implemented in accordance with HUD instructions.

Termination by Owner [24 CFR 983.205(d)]

If in accordance with program requirements the amount of rent to an owner for any contract unit is reduced below the amount of the rent to owner at the beginning of the HAP contract term, the owner may terminate the HAP contract by giving notice to the GRHC. In this case, families living in the contract units must be offered tenant-based assistance.

Statutory Notice Requirements: Contract Termination or Expiration [24 CFR 983.206, FR Notice 1/18/17, and Notice PIH 2017-21]

Not less than one year before the HAP contract terminates, or if the owner refuses to renew the HAP contract, the owner must notify the GRHC and assisted tenants of the termination. The notice must be provided in the form prescribed by HUD. If the owner does not give timely notice, the owner must permit the tenants in assisted units to remain in their units for the required notice period with no increase in the tenant portion of their rent, and with no eviction as a result of the owner's inability to collect an increased tenant portion of rent. An owner may renew the terminating contract for a period of time sufficient to give tenants one-year advance notice under such terms as HUD may require.

Upon termination or expiration of the contract, a family living at the property is entitled to receive a tenant-based voucher. Tenant-based assistance would not begin until the owner's required notice period ends. The GRHC will provide the family with a voucher and the family must also be given the option by the GRHC and owner to remain in their unit with HCV tenant-based assistance as long as the unit complies with inspection and rent reasonableness requirements. The family must pay their total tenant payment (TTP) and any additional amount if the gross rent exceeds the applicable payment standard. The family has the right to remain in the project as long as the units are used for rental housing and are otherwise eligible for HCV assistance. The owner may not terminate the tenancy of a family that exercises its right to remain except for serious or repeated lease violations or other good cause. Families that receive a tenant-based voucher at the expiration or termination of the PBV HAP contract are not new admissions to the GRHC HCV tenant-based program and are not subject to income eligibility requirements or any other admission requirements. If the family chooses to remain in their unit with tenant-based assistance, the family may do so regardless of whether the family share would initially exceed 40 percent of the family's adjusted monthly income.

Remedies for HQS Violations [24 CFR 983.208(b)]

The GRHC will not make any HAP payment to the owner for a contract unit during any period in which the unit does not comply with HQS. If the GRHC determines that a contract does not comply with HQS, The GRHC will abate and terminate PBV HAP contracts for non-compliance with HQS in accordance with the policies used in the tenant-based voucher program. These policies are contained in Section 8-II.G., Enforcing Owner Compliance.

17-V.C. AMENDMENTS TO THE HAP CONTRACT

Substitution of Contract Units [24 CFR 983.207(a)]

At the GRHC's discretion and subject to all PBV requirements, the HAP contract may be amended to substitute a different unit with the same number of bedrooms in the same project for a previously covered contract unit. Before any such substitution can take place, the GRHC will inspect the proposed unit and determine the reasonable rent for the unit.

Addition of Contract Units [FR Notice 1/18/17 and Notice PIH 2017-21]

The GRHC and owner may amend the HAP contract to add additional PBV contract units in projects that already have a HAP contract without having to fulfill the selection requirements found at 24 CFR 983.51(b) for those additional PBV units, regardless of when the HAP contract was signed. The additional PBV units, however, are still subject to the PBV program cap and individual project caps. Prior to attaching additional units without competition, the GRHC will submit to the local field office information outlined in FR Notice 1/18/17. The GRHC will also detail in the administrative plan their intent to add PBV units and the rationale for adding units to the specific PBV project. The GRHC will add units to the contract on a case-by-case basis to ensure the availability of affordable housing as long as the addition of units does not exceed allowable project caps (See Chapter 17-2.F).

17-V.D. HAP CONTRACT YEAR, ANNIVERSARY AND EXPIRATION DATES [24 CFR 983.207(b) and 983.302(e)]

The HAP contract year is the period of 12 calendar months preceding each annual anniversary of the HAP contract during the HAP contract term. The initial contract year is calculated from the first day of the first calendar month of the HAP contract term.

The annual anniversary of the HAP contract is the first day of the first calendar month after the end of the preceding contract year.

There is a single annual anniversary and expiration date for all units under a particular HAP contract, even in cases where contract units are placed under the HAP contract in stages (on different dates) or units are added by amendment. The anniversary and expiration dates for all units coincide with the dates for the contract units that were originally placed under contract.

17-V.E. OWNER RESPONSIBILITIES UNDER THE HAP CONTRACT [24 CFR 983.210]

When the owner executes the HAP contract s/he certifies that at such execution and at all times during the term of the HAP contract:

- All contract units are in good condition and the owner is maintaining the premises and contract units in accordance with HQS;
- The owner is providing all services, maintenance, equipment and utilities as agreed to under the HAP contract and the leases;
- Each contract unit for which the owner is receiving HAP, is leased to an eligible family referred by the GRHC, and the lease is in accordance with the HAP contract and HUD requirements;
- To the best of the owner's knowledge the family resides in the contract unit for which the owner is receiving HAP, and the unit is the family's only residence;
- The owner (including a principal or other interested party) is not the spouse, parent, child, grandparent, grandchild, sister, or brother of any member of a family residing in a contract unit;
- The amount of the HAP the owner is receiving is correct under the HAP contract;
- The rent for contract units does not exceed rents charged by the owner for comparable unassisted units;
- Except for HAP and tenant rent, the owner has not received and will not receive any other payment or consideration for rental of the contract unit;
- The family does not own or have any interest in the contract unit (does not apply to family's membership in a cooperative); and
- Repair work on the project selected as an existing project that is performed after HAP execution within such post-execution period as specified by HUD may constitute development activity, and if determined to be development activity, the repair work undertaken shall be in compliance with Davis-Bacon wage requirements.

17-V.F. ADDITIONAL HAP REQUIREMENTS

Housing Quality and Design Requirements [24 CFR 983.101(e) and 983.208(a)]

The owner is required to maintain and operate the contract units and premises in accordance with HQS, including performance of ordinary and extraordinary maintenance. The owner must provide all the services, maintenance, equipment, and utilities specified in the HAP contract with the GRHC and in the lease with each assisted family. In addition, maintenance, replacement and redecoration must be in accordance with the standard practice for the building as established by the owner.

The GRHC will identify the need for any special features on a case-by-case basis depending on the intended occupancy of the PBV project. The GRHC will specify any special design standards

or additional requirements in the invitation for PBV proposals, the agreement to enter into HAP contract, and the HAP contract.

Vacancy Payments [24 CFR 983.352(b)]

The GRHC will decide on a case-by-case basis if the GRHC will provide vacancy payments to the owner. The HAP contract with the owner will contain any such agreement, including the amount of the vacancy payment and the period for which the owner will qualify for these payments. The GRHC will only issue vacancy payments up to 60 calendar days and will not exceed the monthly rent to the owner under the assisted lease, minus any portion of the rental payment received by the owner.

PART VI: SELECTION OF PBV PROGRAM PARTICIPANTS

17-VI.A. OVERVIEW

Many of the provisions of the tenant-based voucher regulations [24 CFR 982] also apply to the PBV program. This includes requirements related to determining eligibility and selecting applicants from the waiting list. Even with these similarities, there are requirements that are unique to the PBV program. This part describes the requirements and policies related to eligibility and admission to the PBV program.

17-VI.B. ELIGIBILITY FOR PBV ASSISTANCE [24 CFR 983.251(a) and (b)]

The GRHC may select families for the PBV program from those who are participants in the GRHC's tenant-based voucher program and from those who have applied for admission to the voucher program. For voucher participants, eligibility was determined at original admission to the voucher program and does not need to be redetermined at the commencement of PBV assistance. For all others, eligibility for admission must be determined at the commencement of PBV assistance.

Applicants for PBV assistance must meet the same eligibility requirements as applicants for the tenant-based voucher program. Applicants must qualify as a family as defined by HUD and the GRHC, have income at or below HUD-specified income limits, and qualify on the basis of citizenship or the eligible immigration status of family members [24 CFR 982.201(a) and 24 CFR 983.2(a)]. In addition, an applicant family must provide social security information for family members [24 CFR 5.216 and 5.218] and consent to the GRHC's collection and use of family information regarding income, expenses, and family composition [24 CFR 5.230]. The PHA may also not approve a tenancy if the owner (including a principal or other interested party) of the unit is the parent, child, grandparent, grandchild, sister, or brother of any member of the family, unless needed as a reasonable accommodation. An applicant family must also meet HUD requirements related to current or past criminal activity.

In-Place Families [24 CFR 983.251(b)]

An eligible family residing in a proposed PBV contract unit on the date the proposal is selected by the GRHC is considered an "in-place family." These families are afforded protection from displacement under the PBV rule. If a unit to be placed under contract (either an existing unit or a unit requiring rehabilitation) is occupied by an eligible family on the date the proposal is selected, the in-place family must be placed on the GRHC's waiting list. Once the family's continued eligibility is determined (the PHA may deny assistance to an in-place family for the grounds specified in 24 CFR 982.552 and 982.553), the family must be given an absolute selection preference and the GRHC will refer these families to the project owner for an appropriately sized PBV unit in the project. Admission of eligible in-place families is not subject to income targeting requirements.

This regulatory protection from displacement does not apply to families that are not eligible to participate in the program on the proposal selection date.

17-VLC. ORGANIZATION OF THE WAITING LIST [24 CFR 983.251(c)]

The GRHC will establish and manage separate waiting lists for individual projects or buildings that are receiving PBV assistance.

17-VLD. SELECTION FROM THE WAITING LIST [24 CFR 983.251(c)]

Applicants who will occupy units with PBV assistance must be selected from the GRHC's waiting list. The GRHC will establish selection criteria or preferences for occupancy of particular PBV units. The GRHC will place families referred by the PBV owner on its PBV waiting list.

Income Targeting [24 CFR 983.251(c)(6)]

At least 75 percent of the families admitted to the GRHC's tenant-based and project-based voucher programs during the GRHC fiscal year from the waiting list will be extremely low-income families. The income targeting requirement applies to the total of admissions to both programs.

GRHC MTW Flexibility

The GRHC will ensure that at least 75 percent of households admitted during each fiscal year in the public housing, Housing Choice Voucher (HCV), and local, non-traditional programs—will be very low-income (50%).

Units with Accessibility Features [24 CFR 983.251(c)(7)]

When selecting families to occupy PBV units that have special accessibility features for persons with disabilities, the GRHC will first refer families who require such features to the owner.

Preferences [24 CFR 983.251(d), FR Notice 11/24/08]

The GRHC may use the same selection preferences that are used for the tenant-based voucher program, establish selection criteria or preferences for the PBV program as a whole, or for occupancy of particular GRHC developments or units. The GRHC will provide an absolute selection preference for eligible in-place families as described in Section 17-VI.B. above.

The GRHC may establish a selection preference for families who qualify for voluntary services, including disability-specific services, offered in conjunction with assisted units, provided that preference is consistent with the GRHC plan. The GRHC will not, however, grant a preference to a person with a specific disability [FR Notice 1/18/17].

In advertising such a project, the owner may advertise the project as offering services for a particular type of disability; however, the project must be open to all otherwise eligible disabled persons who may benefit from services provided in the project. In these projects, disabled residents may not be required to accept the particular services offered as a condition of occupancy.

The GRHC will provide a selection preference when required by the regulation (e.g., eligible in-place families, elderly families or units with supportive services, or mobility impaired persons for accessible units).

17-VLE. OFFER OF PBV ASSISTANCE

Refusal of Offer [24 CFR 983.251(e)(3)]

The GRHC is prohibited from taking any of the following actions against a family who has applied for, received, or refused an offer of PBV assistance:

- Refuse to list the applicant on the waiting list for tenant-based voucher assistance;
- Deny any admission preference for which the applicant qualifies;
- Change the applicant's place on the waiting list based on preference, date, and time of application, or other factors affecting selection under the GRHC's selection policy;
- Remove the applicant from the tenant-based voucher waiting list.

Disapproval by Landlord [24 CFR 983.251(e)(2)]

If a PBV owner rejects a family for admission to the owner's units, such rejection may not affect the family's position on the tenant-based voucher waiting list.

Acceptance of Offer [24 CFR 983.252]

Family Briefing

When a family accepts an offer for PBV assistance, the GRHC will give the family an oral briefing. The briefing must include information on how the program works and the responsibilities of the family and owner. In addition to the oral briefing, the GRHC will provide a briefing packet that explains how the GRHC determines the total tenant payment for a family, the family obligations under the program, and applicable fair housing information.

Persons with Disabilities

If an applicant family's head or spouse is disabled, the GRHC will assure effective communication, in accordance with 24 CFR 8.6, in conducting the oral briefing and in providing the written information packet. This may include making alternative formats available (see Chapter 2). In addition, the GRHC will have a mechanism for referring a family that includes a member with a mobility impairment to an appropriate accessible PBV unit.

Persons with Limited English Proficiency

The GRHC will take reasonable steps to assure meaningful access by persons with limited English proficiency in accordance with Title VI of the Civil Rights Act of 1964 and Executive Order 13166 (see Chapter 2).

17-VLF. OWNER SELECTION OF TENANTS

The owner is responsible for developing written tenant selection procedures that are consistent with the purpose of improving housing opportunities for very low-income families and reasonably related to program eligibility and an applicant's ability to fulfill their obligations under the lease. An owner must promptly notify in writing any rejected applicant of the grounds for any rejection [24 CFR 983.253(a)(2) and (a)(3)].

Leasing [24 CFR 983.253(a)]

During the term of the HAP contract, the owner must lease contract units to eligible families that are selected and referred by the GRHC from the GRHC's waiting list. The contract unit leased to

the family must be the appropriate size unit for the size of the family, based on the GRHC's subsidy standards.

Filling Vacancies [24 CFR 983.254(a)]

The owner must promptly notify the GRHC of any vacancy or expected vacancy in a contract unit, in writing (mail, portal submission, or email) within seven (7) calendar days of learning about any vacancy or expected vacancy. After receiving such notice, the GRHC will make every reasonable effort to promptly refer a sufficient number of families for the owner to fill such vacancies. The GRHC will make every reasonable effort to refer families to the owner within 15 calendar days of receiving such notice from the owner.

Reduction in HAP Contract Units Due to Vacancies [24 CFR 983.254(b)]

If any contract units have been vacant for 120 days, the GRHC may give notice to the owner that the HAP contract will be amended to reduce the number of contract units that have been vacant for this period. The GRHC will provide the notice to the owner within 15 calendar days of the 120th day of the vacancy. The amendment to the HAP contract will be effective the 1st day of the month following the date of the GRHC's notice.

17-VI.G. TENANT SCREENING [24 CFR 983.255]

GRHC Responsibility

The GRHC is not responsible or liable to the owner or any other person for the family's behavior or suitability for tenancy.

The GRHC will conduct screening to determine a PBV applicant family's suitability for tenancy for GRHC owned and managed properties.

The GRHC will inform owners of their responsibility to screen prospective tenants. The GRHC will not provide any additional information to the owner, such as tenancy history, criminal history, etc.

The GRHC will not conduct screening to determine a PBV applicant family's suitability for non-owned and non-managed properties.

The GRHC will provide the owner with an applicant family's current and prior address (as shown in GRHC records) and the name and address (if known by the GRHC) of the family's current landlord and any prior landlords.

The GRHC will not disclose to the owner any confidential information provided in response to a request for documentation of domestic violence, dating violence, sexual assault, or stalking except at the written request or with the written consent of the individual providing the documentation [24 CFR 5.2007(a)(4)].

Owner Responsibility

The owner is responsible for screening and selection of the family to occupy the owner's unit. When screening families the owner may consider a family's background with respect to the following factors:

- Payment of rent and utility bills;
- Caring for a unit and premises;

- Respecting the rights of other residents to the peaceful enjoyment of their housing;
- Drug-related criminal activity or other criminal activity that is a threat to the health, safety, or property of others; and
- Compliance with other essential conditions of tenancy.

PART VII: OCCUPANCY

17-VII.A. OVERVIEW

After an applicant has been selected from the waiting list, determined eligible by the GRHC, referred to an owner and determined suitable by the owner, the family will sign the lease and occupancy of the unit will begin.

17-VII.B. LEASE [24 CFR 983.256]

The tenant must have legal capacity to enter a lease under state and local law. *Legal capacity* means that the tenant is bound by the terms of the lease and may enforce the terms of the lease against the owner.

Form of Lease [24 CFR 983.256(b)]

The tenant and the owner must enter into a written lease agreement that is signed by both parties. If an owner uses a standard lease form for rental units to unassisted tenants in the locality or premises, the same lease must be used for assisted tenants, except that the lease must include a HUD-required tenancy addendum. The tenancy addendum must include, word-for-word, all provisions required by HUD.

If the owner does not use a standard lease form for rental to unassisted tenants, the owner may use another form of lease.

The GRHC will review the lease for compliance of HUD regulations located in 24 CFR 983.256(b). The GRHC will not review the owner's lease for compliance with state or local law.

Lease Requirements [24 CFR 983.256(c)]

The lease for a PBV unit must specify all of the following information:

- The names of the owner and the tenant;
- The unit rented (address, apartment number, if any, and any other information needed to identify the leased contract unit);
- The term of the lease (initial term and any provision for renewal);
- The amount of the tenant rent to owner, which is subject to change during the term of the lease in accordance with HUD requirements;
- A specification of the services, maintenance, equipment, and utilities that will be provided by the owner; and
- The amount of any charges for food, furniture, or supportive services.

Tenancy Addendum [24 CFR 983.256(d)]

The tenancy addendum in the lease must state:

- The program tenancy requirements;
- The composition of the household as approved by the GRHC (the names of family members and any GRHC-approved live-in aide);

- All provisions in the HUD-required tenancy addendum must be included in the lease. The terms of the tenancy addendum prevail over other provisions of the lease.

Initial Term and Lease Renewal [24 CFR 983.256(f)]

The initial lease term must be for at least one year. The lease must provide for automatic renewal after the initial term of the lease in either successive definitive terms (e.g. month-to-month or year-to-year) or an automatic indefinite extension of the lease term. For automatic indefinite extension of the lease term, the lease terminates if any of the following occur:

- The owner terminates the lease for good cause
- The tenant terminates the lease
- The owner and tenant agree to terminate the lease
- The GRHC terminates the HAP contract
- The GRHC terminates assistance for the family

Changes in the Lease [24 CFR 983.256(e)]

If the tenant and owner agree to any change in the lease, the change must be in writing, and the owner must immediately give the GRHC a copy of all changes.

The owner must notify the GRHC in advance of any proposed change in the lease regarding the allocation of tenant and owner responsibilities for utilities. Such changes may only be made if approved by the GRHC and in accordance with the terms of the lease relating to its amendment. The GRHC must redetermine reasonable rent, in accordance with program requirements, based on any change in the allocation of the responsibility for utilities between the owner and the tenant. The redetermined reasonable rent will be used in calculation of the rent to owner from the effective date of the change.

Owner Termination of Tenancy [24 CFR 983.257]

With two exceptions, the owner of a PBV unit may terminate tenancy for the same reasons an owner may in the tenant-based voucher program (see Section 12-III.B. and 24 CFR 982.310). In the PBV program, terminating tenancy for “good cause” does not include doing so for a business or economic reason, or a desire to use the unit for personal or family use or other non-residential purpose.

Tenant Absence from the Unit [24 CFR 983.256(g) and 982.312(a)]

The lease may specify a maximum period of family absence from the unit that may be shorter than the maximum period permitted by GRHC policy. According to program requirements, the family’s assistance must be terminated if they are absent from the unit for more than 180 consecutive days. GRHC termination of assistance actions due to family absence from the unit are subject to 24 CFR 981.312, except that the unit is not terminated from the HAP contract if the family is absent for longer than the maximum period permitted.

Continuation of Housing Assistance Payments [24 CFR 982.258]

Housing assistance payments shall continue until the tenant rent equals the rent to owner. The cessation of housing assistance payments at such point will not affect the family's other rights under its lease, nor will such cessation preclude the resumption of payments as a result of later

changes in income, rents, or other relevant circumstances if such changes occur within 180 days following the date of the last housing assistance payment by the GRHC. After the 180-day period, the unit shall be removed from the HAP contract pursuant to 24 CFR 983.211. **Security Deposits [24 CFR 983.259]**

The owner may collect a security deposit from the tenant. The GRHC will not establish what the owner may collect as a security deposit amount.

When the tenant moves out of a contract unit, the owner, subject to state and local law, may use the security deposit, including any interest on the deposit, in accordance with the lease, as reimbursement for any unpaid tenant rent, damages to the unit, or other amounts owed by the tenant under the lease.

The owner must give the tenant a written list of all items charged against the security deposit and the amount of each item. After deducting the amount used to reimburse the owner, the owner must promptly refund the full amount of the balance to the tenant.

If the security deposit does not cover the amount owed by the tenant under the lease, the owner may seek to collect the balance from the tenant. The GRHC has no liability or responsibility for payment of any amount owed by the family to the owner.

17-VII.C. MOVES

Overcrowded, Under-Occupied, and Accessible Units [24 CFR 983.260]

If the GRHC determines that a family is occupying a wrong size unit, based on the GRHC's subsidy standards, or a unit with accessibility features that the family does not require, and the unit is needed by a family that does require the features, the GRHC will promptly notify the family and the owner of this determination, and the GRHC will offer the family the opportunity to receive continued housing assistance in another unit.

The GRHC will notify the family and the owner of the family's need to move based on the occupancy of a wrong-size or accessible unit within 15 calendar days of the GRHC's determination. The GRHC will offer the family the following types of continued assistance in the following order, based on the availability of assistance:

- PBV assistance in the same building or project;
- PBV assistance in another project; and
- Tenant-based voucher assistance.

If the GRHC offers the family a tenant-based voucher, the GRHC will terminate the housing assistance payments for a wrong-sized or accessible unit at the earlier of the expiration of the term of the family's voucher (including any extension granted by the GRHC) or the date upon which the family vacates the unit. If the family does not move out of the wrong-sized unit or accessible unit by the expiration of the term of the family's voucher, the GRHC will remove the unit from the HAP contract.

When the GRHC offers a family another form of assistance that is not a tenant-based voucher, the family will be given 30 calendar days from the date of the offer to accept the offer and move out of the PBV unit. If the family does not move out within this 30-day time frame, the GRHC will terminate the housing assistance payments at the expiration of these 30 calendar day period.

The GRHC may make exceptions to this 30 calendar day period if needed for reasons beyond the family's control such as death, serious illness, or other medical emergency of a family member.

Family Right to Move [24 CFR 983.261]

The family may terminate the lease at any time after the first year of occupancy. The family must give advance written notice to the owner in accordance with the lease and provide a copy of such notice to the GRHC. If the family wishes to move with continued tenant-based assistance, the family must contact the GRHC to request the rental assistance prior to providing notice to terminate the lease.

If the family terminates the lease in accordance with these requirements, the GRHC is required to offer the family the opportunity for continued tenant-based assistance, in the form of a voucher or other comparable tenant-based rental assistance. If voucher or other comparable tenant-based assistance is not immediately available upon termination of the family's lease in the PBV unit, the GRHC must give the family priority to receive the next available opportunity for continued tenant-based assistance.

If the family terminates the assisted lease before the end of the first year, the family relinquishes the opportunity for continued tenant-based assistance.

Emergency Transfers under VAWA [Notice PIH 2017-08]

When the victim of domestic violence, dating violence, sexual assault, or stalking has lived in the unit for less than one year, the GRHC will provide several options for continued assistance.

The GRHC will first try to transfer the participant to another development where the GRHC has PBV units. The GRHC will expedite the administrative processes in this case in an effort to conduct the transfer as quickly as possible.

If no units are available for an internal transfer, or if there is reasonable cause to believe that such a transfer would put the victim in jeopardy, the participant may receive continued assistance through an external transfer to either tenant-based rental assistance (HCV) or assistance in the GRHC's public housing program. Such a decision will be made by the GRHC based on the availability of tenant-based vouchers and/or vacancies in public housing units. Such families must be selected from the waiting list for the applicable program. The GRHC has adopted a waiting list preference for victims of domestic violence, dating violence, sexual assault, and stalking in both its HCV and public housing programs in order to expedite this process. See Section 4-III.C. of this administrative plan.

If a victim wishes to move after a year of occupancy in the unit, but no tenant-based vouchers are available, the GRHC will offer a transfer to a different development where the GRHC has PBV units. The GRHC will expedite the administrative processes in this case in an effort to conduct the transfer as quickly as possible.

If no units are available for an internal transfer, or if there is reasonable cause to believe that such a transfer would put the victim in jeopardy, the participant may receive continued assistance through an external transfer to the GRHC's public housing program. The GRHC has adopted a waiting list preference for victims of domestic violence, dating violence, sexual assault, and stalking as part of the public housing ACOP in order to expedite this process.

17-VII.D. EXCEPTIONS TO THE OCCUPANCY CAP [24 CFR 983.262]

GRHC MTW Flexibility

The GRHC will operate a project-based voucher program using up to 50 percent of its authorized units for project-based assistance.

As of April 17, 2018, the GRHC may not pay housing assistance under a PBV HAP contract for more than the greater of 25 units or 25 percent of the number of dwelling units in a project unless:

- The units are exclusively for elderly families
- The units are for households eligible for supportive services available to all families receiving PBV assistance in the project

If the project is located in a census tract with a poverty rate of 20 percent or less, as determined in the most recent American Community Survey Five-Year estimates, the project cap is the greater of 25 units or 40 percent (instead of 25 percent) of the units in the project [FR Notice 7/14/17].

If a family at the time of initial tenancy is receiving and while the resident of an excepted unit has received Family Self-Sufficiency (FSS) supportive services or any other service as defined by the GRHC and successfully completes the FSS contract of participation or the supportive services requirement, the unit continues to count as an excepted unit for as long as the family resides in the unit. However, if the FSS family fails to successfully complete the FSS contract of participation or supportive services objective and consequently is no longer eligible for the supportive services, the family must vacate the unit within a reasonable period of time established by the GRHC, and the GRHC shall cease paying HAP on behalf of the family.

Further, when a family (or remaining members of a family) residing in an excepted unit no longer meets the criteria for a “qualifying family” because the family is no longer an elderly family due to a change in family composition, the GRHC has the discretion to allow the family to remain in the excepted unit. If the GRHC does not exercise this discretion, the family must vacate the unit within a reasonable period of time established by the GRHC, and the GRHC must cease paying housing assistance payments on behalf of the non-qualifying family.

Individuals in units with supportive services who choose to no longer participate in a service or who no longer qualify for services they qualified for at the time of initial occupancy cannot subsequently be denied continued housing opportunity because of this changed circumstance. A GRHC or owner cannot determine that a participant’s needs exceed the level of care offered by qualifying services or require that individuals be transitioned to different projects based on service needs.

If the family fails to vacate the unit within the established time, the unit must be removed from the HAP contract unless the project is partially assisted, and it is possible for the HAP contract to be amended to substitute a different unit in the building in accordance with program requirements; or the owner terminates the lease and evicts the family. The housing assistance payments for a family residing in an excepted unit that is not in compliance with its family obligations to comply with supportive services requirements must be terminated by the GRHC.

The GRHC will allow families who initially qualified to live in an excepted unit to remain when circumstances change due to situations beyond the remaining family members' control. In all other cases, the GRHC will provide written notice to the family and owner within 15 calendar days of making the determination. The family will be given 30 days from the date of the notice to move out of the PBV unit. If the family does not move out within this 30 calendar day time frame, the GRHC will terminate the housing assistance payments at the expiration of this 30-day period. The GRHC may make exceptions to this 30-day period if needed for reasons beyond the family's control such as death, serious illness, or other medical emergency of a family member.

The GRHC may refer other eligible families to the excepted units. However, if there are no eligible families on the waiting list and the owner does not refer eligible families to the GRHC, the GRHC will amend the HAP contract to reduce the total number of units under contract.

PART VIII: DETERMINING RENT TO OWNER

17-VIII.A. OVERVIEW

The amount of the initial rent to an owner of units receiving PBV assistance is established at the beginning of the HAP contract term. Although for rehabilitated or newly constructed housing, the agreement to enter into HAP Contract (Agreement) states the estimated amount of the initial rent to owner, the actual amount of the initial rent to owner is established at the beginning of the HAP contract term.

During the term of the HAP contract, the rent to owner is redetermined at the owner's request in accordance with program requirements, and at such time that there is a five percent or greater decrease in the published FMR.

17-VIII.B. RENT LIMITS [24 CFR 983.301]

Except for certain tax credit units (discussed below), the rent to owner must not exceed the lowest of the following amounts:

- An amount determined by the GRHC, not to exceed 110 percent of the applicable fair market rent (or any HUD-approved exception payment standard) for the unit bedroom size minus any utility allowance;
- The reasonable rent; or
- The rent requested by the owner.

GRHC MTW Flexibility

The GRHC will use HUD's published Fair Market Rents (FMR) to determine contract rent increases on an annual basis for PBVs utilized at its housing developments. The FMR will be utilized as reasonable rent, this reduces the operational costs of the PBV Program, which is in line with MTW goals.

Certain Tax Credit Units [24 CFR 983.301(c)]

For certain tax credit units, the rent limits are determined differently than for other PBV units. Different limits apply to contract units that meet all of the following criteria:

- The contract unit receives a low-income housing tax credit under the Internal Revenue Code of 1986;
- The contract unit is not located in a qualified census tract;
- There are comparable tax credit units of the same bedroom size as the contract unit in the same project, and the comparable tax credit units do not have any form of rental assistance other than the tax credit; and
- The tax credit rent exceeds 110 percent of the fair market rent or any approved exception payment standard;

For contract units that meet all of these criteria, the rent to owner must not exceed the lowest of:

- The tax credit rent minus any utility allowance;
- The reasonable rent; or
- The rent requested by the owner.

Definitions

A *qualified census tract* is any census tract (or equivalent geographic area defined by the Bureau of the Census) in which at least 50 percent of households have an income of less than 60 percent of Area Median Gross Income (AMGI), or where the poverty rate is at least 25 percent and where the census tract is designated as a qualified census tract by HUD.

Tax credit rent is the rent charged for comparable units of the same bedroom size in the project that also receive the low-income housing tax credit but do not have any additional rental assistance (e.g., tenant-based voucher assistance).

Reasonable Rent [24 CFR 983.301(e) and 983.302(c)(2)]

The GRHC will determine reasonable rent in accordance with 24 CFR 983.303. The rent to owner for each contract unit may at no time exceed the reasonable rent, except in cases where the PHA has elected within the HAP contract not to reduce rents below the initial rent to owner and, upon redetermination of the rent to owner, the reasonable rent would result in a rent below the initial rent. However, the rent to owner must be reduced in the following cases:

- To correct errors in calculations in accordance with HUD requirements
- If additional housing assistance has been combined with PBV assistance after the execution of the initial HAP contract and a rent decrease is required pursuant to 24 CFR 983.55
- If a decrease in rent to owner is required based on changes in the allocation of the responsibility for utilities between owner and tenant

The GRHC will elect within the HAP contract not to reduce rents below the initial level, with the exception of circumstances listed in 24 CFR 983.302(c)(2). If, upon redetermination of the rent to owner, the reasonable rent would result in a rent below the initial rent, the GRHC will use the higher initial rent to owner amount.

Use of FMRs, Exception Payment Standards, and Utility Allowances [24 CFR 983.301(f)]

When determining the initial rent to owner, the GRHC will use the most recently published FMR in effect and the utility allowance schedule in effect at execution of the HAP contract. When redetermining the rent to owner, the GRHC will use the most recently published FMR and the utility allowance schedule in effect at the time of redetermination. At its discretion, the GRHC may for initial rent, use the amounts in effect at any time during the 30-day period immediately before the beginning date of the HAP contract, or for redeterminations of rent, the 30-day period immediately before the redetermination date.

Any HUD-approved exception payment standard amount under the tenant-based voucher program also applies to the project-based voucher program. HUD will not approve a different exception payment standard amount for use in the PBV program.

Likewise, the GRHC will not establish or apply different utility allowance amounts for the PBV program. The same utility allowance schedule applies to both the tenant-based and project-based voucher programs.

Upon written request by the owner, the GRHC will consider using the FMR or utility allowances in effect during the 30-day period before the start date of the HAP, or redetermination of rent. The owner must explain the need to use the previous FMRs or utility allowances and include documentation in support of the request. The GRHC will review and make a decision based on the circumstances and merit of each request.

In addition to considering a written request from an owner, the GRHC may decide to use the FMR or utility allowances in effect during the 30-day period before the start date of the HAP, or redetermination of rent, if the GRHC determines it is necessary due to GRHC budgetary constraints.

Use of Small Area FMRs (SAFMRs) [24 CFR 888.113(h)]

The GRHC will not apply SAFMRs to the GRHC's PBV program.

Redetermination of Rent [24 CFR 983.302]

The GRHC will redetermine the rent to owner upon the owner's request or when there is a 10 percent or greater decrease in the published FMR.

Rent Increase

If an owner wishes to request an increase in the rent to owner from the GRHC, it must be requested at the annual anniversary of the HAP contract (see Section 17-V.D.). The request must be in writing and in the form and manner required by the GRHC. The GRHC will only make rent increases in accordance with the rent limits described previously. There are no provisions in the PBV program for special adjustments (e.g., adjustments that reflect increases in the actual and necessary expenses of owning and maintaining the units which have resulted from substantial general increases in real property taxes, utility rates, or similar costs). An owner's request for a rent increase must be submitted to the GRHC 60 calendar days prior to the anniversary date of the HAP contract and must include the new rent amount the owner is proposing.

The GRHC will not approve and the owner may not receive any increase of rent to owner until and unless the owner has complied with requirements of the HAP contract, including compliance with HQS. The owner may not receive any retroactive increase of rent for any period of noncompliance.

Rent Decrease

If there is a decrease in the rent to owner, as established in accordance with program requirements such as a change in the FMR or exception payment standard, or reasonable rent amount, the rent to owner must be decreased regardless of whether the owner requested a rent adjustment, except where the GRHC has elected within the HAP contract to not reduce rents below the initial rent under the initial HAP contract.

Notice of Rent Change

The rent to owner is redetermined by written notice by the GRHC to the owner specifying the amount of the redetermined rent. The GRHC notice of rent adjustment constitutes an amendment of the rent to owner specified in the HAP contract. The adjusted amount of rent to owner applies for the period of 12 calendar months from the annual anniversary of the HAP contract.

The GRHC will provide the owner with at least 30 calendar days written notice of any change in the amount of rent to owner.

GRHC-Owned Units [24 CFR 983.301(g)]

GRHC MTW Flexibility

The GRHC will no longer require a third party to conduct rent reasonableness tests at PBV properties that the GRHC owns, manages, or controls.

17-VIII.C. REASONABLE RENT [24 CFR 983.303]

At the time the initial rent is established and all times during the term of the HAP contract, the rent to owner for a contract unit may not exceed the reasonable rent for the unit as determined by the GRHC, except where the GRHC has elected within the HAP contract to not reduce rents below the initial rent under the initial HAP contract.

When Rent Reasonable Determinations Are Required

The GRHC must redetermine the reasonable rent for a unit receiving PBV assistance whenever any of the following occur:

- There is a 10 percent or greater decrease in the published FMR in effect 60 days before the contract anniversary (for the unit sizes specified in the HAP contract) as compared with the FMR that was in effect one year before the contract anniversary date;
- The GRHC approves a change in the allocation of responsibility for utilities between the owner and the tenant;
- The HAP contract is amended to substitute a different contract unit in the same building or project; or
- There is any other change that may substantially affect the reasonable rent.

How to Determine Reasonable Rent

The reasonable rent of a unit receiving PBV assistance must be determined by comparison to rent for other comparable unassisted units. When making this determination, the GRHC will consider factors that affect market rent. Such factors include the location, quality, size, type and age of the unit, as well as the amenities, housing services maintenance, and utilities to be provided by the owner.

Comparability Analysis

For each unit, the comparability analysis must use at least three comparable units in the private unassisted market. This may include units in the premises or project that is receiving project-based assistance. The analysis must show how the reasonable rent was determined, including major differences between the contract units and comparable unassisted units, and must be retained by the GRHC. The comparability analysis may be performed by GRHC staff or by another qualified person or entity. Those who conduct these analyses or are involved in determining the housing assistance payment based on the analyses may not have any direct or indirect interest in the property.

GRHC-Owned Units

GRHC MTW Flexibility

The GRHC will no longer require a third party to conduct rent reasonableness tests at PBV properties that the GRHC owns, manages, or controls.

Owner Certification of Reasonable Rent

By accepting each monthly housing assistance payment, the owner certifies that the rent to owner is not more than rent charged by the owner for other comparable unassisted units in the premises. At any time, the GRHC may require the owner to submit information on rents charged by the owner for other units in the premises or elsewhere.

17-VIII.D. EFFECT OF OTHER SUBSIDY AND RENT CONTROL

In addition to the rent limits discussed in Section 17-VIII.B above, other restrictions may limit the amount of rent to owner in a PBV unit. In addition, certain types of subsidized housing are not even eligible to receive PBV assistance (see Section 17-II.D).

Other Subsidy [24 CFR 983.304]

To comply with HUD subsidy layering requirements, at the discretion of HUD or its designee, a GRHC shall reduce the rent to owner because of other governmental subsidies, including tax credits or tax exemptions, grants, or other subsidized funding.

For units receiving assistance under the HOME program, rents may not exceed rent limits as required by that program.

For units in any of the following types of federally subsidized projects, the rent to owner may not exceed the subsidized rent (basic rent) or tax credit rent as determined in accordance with requirements for the applicable federal program:

- An insured or non-insured Section 236 project;
- A formerly insured or non-insured Section 236 project that continues to receive Interest Reduction Payment following a decoupling action;
- A Section 221(d)(3) below market interest rate (BMIR) project;
- A Section 515 project of the Rural Housing Service;
- Any other type of federally subsidized project specified by HUD.

Combining Subsidy

Rent to owner may not exceed any limitation required to comply with HUD subsidy layering requirements.

Rent Control [24 CFR 983.305]

In addition to the rent limits set by PBV program regulations, the amount of rent to owner may also be subject to rent control or other limits under local, state, or federal law.

PART IX: PAYMENTS TO OWNER

17-IX.A. HOUSING ASSISTANCE PAYMENTS [24 CFR 983.351]

During the term of the HAP contract, the GRHC will make housing assistance payments to the owner in accordance with the terms of the HAP contract. During the term of the HAP contract, payments must be made for each month that a contract unit complies with HQS and is leased to and occupied by an eligible family. The housing assistance payment must be paid to the owner on or about the first day of the month for which payment is due, unless the owner and the GRHC agree on a later date.

Except for discretionary vacancy payments, the GRHC will not make any housing assistance payment to the owner for any month after the month when the family moves out of the unit (even if household goods or property are left in the unit).

The amount of the housing assistance payment by the GRHC is the rent to owner minus the tenant rent (total tenant payment minus the utility allowance).

In order to receive housing assistance payments, the owner must comply with all provisions of the HAP contract. Unless the owner complies with all provisions of the HAP contract, the owner does not have a right to receive housing assistance payments.

17-IX.B. VACANCY PAYMENTS [24 CFR 983.352]

If an assisted family moves out of the unit, the owner may keep the housing assistance payment for the calendar month when the family moves out. However, the owner may not keep the payment if the GRHC determines that the vacancy is the owner's fault.

If the GRHC determines that the owner is responsible for a vacancy and, as a result, is not entitled to keep the housing assistance payment, the GRHC will notify the landlord of the amount of housing assistance payment that the owner must repay. The GRHC will require the owner to repay the amount owed in accordance with the policies in Section 16-IV.B.

At the discretion of the GRHC, the HAP contract may provide for vacancy payments to the owner. The GRHC will only make vacancy payments if:

- The owner gives the GRHC prompt, written notice certifying that the family has vacated the unit and identifies the date when the family moved out (to the best of the owner's knowledge);
- The owner certifies that the vacancy is not the fault of the owner and that the unit was vacant during the period for which payment is claimed;
- The owner certifies that it has taken every reasonable action to minimize the likelihood and length of vacancy; and
- The owner provides any additional information required and requested by the GRHC to verify that the owner is entitled to the vacancy payment.

The owner must submit a request for vacancy payments in the form and manner required by the GRHC and must provide any information or substantiation required by the GRHC to determine the amount of any vacancy payment.

If an owner's HAP contract calls for vacancy payments to be made, and the owner wishes to receive vacancy payments, the owner must have properly notified the GRHC of the vacancy in accordance with the policy in Section 17-VI.F. regarding filling vacancies.

In order for a vacancy payment request to be considered, it must be made within 15 calendar days of the end of the period for which the owner is requesting the vacancy payment. The request must include the required owner certifications and the GRHC may require the owner to provide documentation to support the request. If the owner does not provide the information requested by the GRHC within 15 calendar days of the GRHC's request, no vacancy payments will be made.

17-IX.C. TENANT RENT TO OWNER [24 CFR 983.353]

The tenant rent is the portion of the rent to owner paid by the family. The amount of tenant rent is determined by the GRHC in accordance with HUD requirements. Any changes in the amount of tenant rent will be effective on the date stated in the GRHC notice to the family and owner.

The family is responsible for paying the tenant rent (total tenant payment minus the utility allowance). The amount of the tenant rent determined by the GRHC is the maximum amount the owner may charge the family for rental of a contract unit. The tenant rent covers all housing services, maintenance, equipment, and utilities to be provided by the owner. The owner may not demand or accept any rent payment from the tenant in excess of the tenant rent as determined by the GRHC. The owner must immediately return any excess payment to the tenant.

Tenant and GRHC Responsibilities

The family is not responsible for the portion of rent to owner that is covered by the housing assistance payment and the owner may not terminate the tenancy of an assisted family for nonpayment by the GRHC.

Likewise, the GRHC is responsible only for making the housing assistance payment to the owner in accordance with the HAP contract. The GRHC is not responsible for paying tenant rent, or any other claim by the owner, including damage to the unit. The GRHC will not use housing assistance payments or other program funds (including administrative fee reserves) to pay any part of the tenant rent or other claim by the owner.

Utility Reimbursements

If the amount of the utility allowance exceeds the total tenant payment, the GRHC will pay the amount of such excess to the tenant as a reimbursement for tenant-paid utilities, and the tenant rent to the owner must be zero. The GRHC will make utility reimbursements to the family.

17-IX.D. OTHER FEES AND CHARGES [24 CFR 983.354]

Meals and Supportive Services

With the exception of PBV assistance in assisted living developments, the owner may not require the tenant to pay charges for meals or supportive services. Non-payment of such charges is not grounds for termination of tenancy.

In assisted living developments receiving PBV assistance, the owner may charge for meals or supportive services. These charges may not be included in the rent to owner, nor may the value of meals and supportive services be included in the calculation of the reasonable rent. However,

non-payment of such charges is grounds for termination of the lease by the owner in an assisted living development.

Other Charges by Owner

The owner may not charge extra amounts for items customarily included in rent in the locality or provided at no additional cost to unsubsidized tenants in the premises.

EXHIBIT 17-1: PBV DEVELOPMENT INFORMATION

(Fill out one for each development)

Date: [Enter the date on which this form was completed]

DEVELOPMENT INFORMATION

Development Name: [Insert name of PBV development]

Address: [Insert full address of PBV development]

Owner Information: [Insert PBV development owner name and contact information. If development is PHA-owned, enter “PHA-owned.”]

Property Management Company: [Insert property management company name and contact information, or enter “None”]

PHA-Owned: [Enter “Yes” or “No.” If yes, enter name of independent entity]

Mixed Finance Development: [Enter “Yes” or “No.” If yes, list other types of funding and units to which other funding applies.]

HAP CONTRACT

Effective Date of Contract: [Enter start date of HAP contract]

HOTMA Requirements: [If HAP contract was signed prior to April 18, 2017, enter “Pre-HOTMA.” If HAP contract was signed on or after April 18, 2017, enter “Post-HOTMA.”]

Term of HAP Contract: [Enter term from HAP contract]

Expiration Date of Contract: [Enter expiration date from HAP contract]

PBV UNITS

| | 0 BR | 1 BR | 2 BR | 3 BR | 4 BR | 5 BR | Total |
|-----------------------|------|------|------|------|------|------|-------|
| # of Units | | | | | | | |
| Initial Contract Rent | \$ | \$ | \$ | \$ | \$ | \$ | |

Accessible Units and Features: [Identify which units are accessible and describe accessibility features or enter “None”]

Target Population: [Describe targeted population in accordance with HAP contract or enter “None”]

Excepted Units: [Identify excepted unit types below or enter “None”]

Supportive Services: [Enter “Yes, see Exhibit D of HAP Contract” or enter “No”]

Elderly Units: [Enter “Yes” or “No.” If yes, identify which units are elderly units.]

Disabled Units (only for HAP contracts executed prior to April 18, 2017) [Enter “Yes” or “No.” If yes, identify which units are for persons with disabilities.]

Are units excepted because they are located in a low-poverty census tract area?: [Enter “Yes” or “No”]

WAITING LIST AND SELECTION

Waiting List Type: [Enter “Site-based waiting list,” “Combined with HCV,” “Waiting list for entire PBV program,” or “Merged with another assisted housing program”]

Preferences: [Enter “Same as HCV; see Chapter 4” or describe preferences offered. If different from HCV, also note in Section 17.1.B of this policy.]

Preference Verification: [Enter “Same as HCV; see Chapter 7” or describe for each preference listed above. If different from HCV, note in Section 17.1.B of this policy.]

For the PBV program, is the income limit the same as the HCV program? (Note: In mixed finance developments, other income limits may also apply.) [Enter “Same as HCV; see Chapter 3” or clearly describe. If different from HCV, note in Section 17.1.B of this policy.]

OCCUPANCY

Subsidy Standards: [Enter “Same as HCV; see Chapter 5” or describe. If different from HCV, note in Section 17.1.B of this policy]

Utilities: [Enter in accordance with HAP contract Exhibit C]

Vacancy Payments: [Enter in accordance with HAP contract Part 1, e, 2 and Section 17-V.F. within this chapter]

EXHIBIT 17-2: Special Provisions Applying to TPVs Awarded as Part of a Voluntary Conversion of Public Housing Units in Projects that Include RAD PBV Units

[24 CFR Part 972.200; Notice PIH 2019-05; Notice PIH 2019-23]

Under certain circumstances, HUD allows small PHAs to reposition a public housing project (or portion of a project) by voluntarily converting units to tenant-based housing choice voucher assistance. In order to preserve affordable housing for residents of the project, the PHA is given priority to receive replacement tenant protection vouchers (TPVs). As part of the voluntary conversion, the PHA has the option to continue to operate it as rental housing. If so, the PHA or subsequent owner must allow existing families to remain in their units using the TPV in the form of tenant-based assistance. In this situation, however, the PHA may choose to project-base these TPVs in the former public housing project. Families must still be provided with the option to remain in their unit using tenant-based assistance. In order for the PHA to project-base the assistance and include these units on the PBV HAP contract, the family must voluntarily consent in writing to PBV assistance following the requirements in Appendix A of Notice PIH 2019-05. If the family fails to consent to PBV assistance and chooses to remain using tenant-based assistance, the family's unit is excluded from the PBV HAP contract until the family moves out or consents to switching to PBV assistance. In general, all applicable program regulations and guidance for the standard PBV program apply to these units.

The PHA may also convert units in the same former public housing project to the PBV program under the rental assistance demonstration (RAD) program. The RAD statute authorizes HUD to waive certain statutory and regulatory provisions governing the standard PBV program and specify alternative requirements. In order to facilitate the uniform treatment of residents and units at the project, Notice PIH 2019-23 extended some of the alternative requirements to non-RAD PBV units in the converted project (i.e., the TPV units in the project). As such, while PBV TPV units in the converted project generally follow the requirements for the standard PBV program listed in this chapter, where HUD has specified alternative requirements for non-RAD PBV units in the project, PBV TPV units will instead follow the requirements outlined in Chapter 18 of this policy for the RAD PBV program.

RAD Requirements Applicable to Non-RAD units in the Project

| Alternative Requirement under RAD as Listed in Notice PIH 2019-23 | Standard PBV Policy That Does Not Apply | Applicable Policy in Chapter 18 |
|--|---|--|
| 1.6.A.4. Site Selection – Compliance with PBV Goals | 17-II.G. SITE SELECTION STANDARDS applies with the exception of deconcentration of poverty and expanding housing and economic opportunity requirements. | 18-II.F. SITE SELECTION STANDARDS |

| | | |
|---|---|--|
| 1.6.B.5.d. PBV Site-Specific Utility Allowances | Alternative requirement under RAD. No corresponding policy in Chapter 17. | 18-VII.C. UTILITY ALLOWANCES |
| 1.6.C.1. No Rescreening of Tenants upon Conversion | Policies contained in Chapter 3 relating to eligibility do not apply to existing tenants who receive TPVs. | 18-V.B. PROHIBITED RESCREENING OF EXISTING TENANTS UPON CONVERSION |
| 1.6.C.2. Right to Return | Alternative requirement under RAD. No corresponding policy in Chapter 17. | 18-I.D. RELOCATION REQUIREMENTS |
| 1.6.C.3. Phase-in of Tenant Rent Increases | Alternative requirements under RAD. No corresponding policy in Chapter 17. | 18-VIII.D. PHASE-IN OF TENANT RENT INCREASES |
| 1.6.C.4. Family Self Sufficiency (FSS) and Resident Opportunities and Self-Sufficiency Service Coordinator (ROSS-SC) Programs | Not covered in administrative plan. | 18-VI.C. PUBLIC HOUSING FSS AND ROSS PARTICIPANTS |
| 1.6.C.5. Resident Participation and Funding | Alternative requirement under RAD. No corresponding policy in Chapter 17. | 18-VI.D. RESIDENT PARTICIPATION AND FUNDING |
| 1.6.C.6. Resident Procedural Rights | Policies related to hearings in Chapter 16 apply, with added procedural rights and notice requirements as outlined in Chapter 18. | 18-VI.H. RESIDENTS' PROCEDURAL RIGHTS |
| 1.6.C.7. Earned Income Disregard (EID) | Alternative requirements under RAD for in-place residents. New admissions follow policies in Chapter 6. | 18-VI.G. EARNED INCOME DISALLOWANCE |
| 1.6.C.8. Jobs Plus | Not covered in administrative plan. | No corresponding policy. |
| 1.6.C.9. When Total Tenant | Alternative requirements | 18-VI.B. LEASE, Continuation |

| | | |
|---|--|---|
| Payment Exceeds Gross Rent | under RAD for in-place residents. New admissions follow policies in 17-VII.B. LEASE, Continuation of Housing Assistance Payments. | of Housing Assistance Payments |
| 1.6.C.10. Under-Occupied Unit | Alternative requirements under RAD for in-place residents. New admissions follow 17-VII.C. MOVES, Overcrowded, Under-Occupied, and Accessible Units | 18-VI.E. MOVES, Overcrowded, Under-Occupied, and Accessible Units |
| 1.6.D.4. Establishment of Waiting List | Alternative requirements under RAD for initial establishment of the waiting list. Once waiting list is established, follow 17-VI.D. SELECTION FROM THE WAITING LIST | 18-V.D. ORGANIZATION OF THE WAITING LIST |
| 1.6.D.10. Initial Certifications and Tenant Rent Calculations | Alternative requirements under RAD for in-place residents. No corresponding policy in Chapter 17. | 18-VIII.C. TENANT RENT TO OWNER, Initial Certifications |

Note, while Notice PIH 2019-05 states that the PHA must screen families for eligibility for a tenant protection voucher and that families must be below the low-income limit (80 percent of AMI), Notice PIH 2019-23 waives these requirements for residents in projects that include RAD PBV units.

Chapter 18

PROJECT BASED VOUCHERS (PBV) UNDER THE RENTAL ASSISTANCE DEMONSTRATION (RAD) PROGRAM

| | |
|--|----|
| INTRODUCTION | 3 |
| PART I: GENERAL REQUIREMENTS | 4 |
| 18-I.A. OVERVIEW AND HISTORY OF THE RAD PROGRAM | 4 |
| 18-I.B. APPLICABLE REGULATIONS | 4 |
| 18-I.C. TENANT-BASED VS. PROJECT-BASED VOUCHER ASSISTANCE | 6 |
| 18-I.D. RELOCATION REQUIREMENTS..... | 6 |
| 18-I.E. EQUAL OPPORTUNITY REQUIREMENTS | 8 |
| PART II: PBV PROJECT SELECTION | 9 |
| 18-II.A. OVERVIEW | 9 |
| 18-II.B. OWNERSHIP AND CONTROL [Notice PIH 2019-23]..... | 9 |
| 18-II.C. GRHC-OWNED UNITS..... | 11 |
| 18-II.D. SUBSIDY LAYERING REQUIREMENTS | 11 |
| 18-II.E. PBV PERCENTAGE LIMITATION AND UNIT CAP [Notice PIH 2019-23]..... | 13 |
| 18-II.F. SITE SELECTION STANDARDS [Notice PIH 2019-23; Notice PIH 2016-17] | 13 |
| 18-II.G. ENVIRONMENTAL REVIEW | 14 |
| PART III: DWELLING UNITS | 15 |
| 18-III.A. OVERVIEW | 15 |
| 18-III.B. HOUSING QUALITY STANDARDS [24 CFR 983.101]..... | 15 |
| 18-III.C. HOUSING ACCESSIBILITY FOR PERSONS WITH DISABILITIES | 15 |
| 18-III.D. INSPECTING UNITS | 15 |
| PART IV: HOUSING ASSISTANCE PAYMENTS (HAP) CONTRACT | 17 |
| 18-IV.A. OVERVIEW [<i>PBV Quick Reference Guide</i> 10/14] | 17 |
| 18-IV.B. HAP CONTRACT REQUIREMENTS..... | 17 |
| 18-IV.C. AMENDMENTS TO THE HAP CONTRACT | 18 |
| 18-IV.D. HAP CONTRACT YEAR AND ANNIVERSARY DATES [24 CFR 983.302(e)]. | 19 |
| 18-IV.E. OWNER RESPONSIBILITIES UNDER THE HAP CONTRACT [24 CFR 983.210] | 19 |
| 18-IV.F. VACANCY PAYMENTS [24 CFR 983.352(b)] | 19 |
| PART V: SELECTION OF PBV PROGRAM PARTICIPANTS..... | 20 |

| | |
|--|----|
| 18-V.A. OVERVIEW | 20 |
| 18-V.B. PROHIBITED RESCREENING OF EXISTING TENANTS UPON CONVERSION [Notice PIH 2019-23] | 20 |
| 18-V.C. ELIGIBILITY FOR PBV ASSISTANCE [24 CFR 983.251(a) and (b)] | 20 |
| 18-V.D. ORGANIZATION OF THE WAITING LIST [24 CFR 983.251(c)] | 21 |
| 18-V.E. SELECTION FROM THE WAITING LIST [24 CFR 983.251(c)] | 21 |
| 18-V.F. OFFER OF PBV ASSISTANCE | 22 |
| 18-V.G. OWNER SELECTION OF TENANTS [24 CFR 983.253] | 23 |
| 18-V.H. TENANT SCREENING [24 CFR 983.255] | 23 |
| PART VI: OCCUPANCY | 25 |
| 18-VI.A. OVERVIEW | 25 |
| 18-VI.B. LEASE [24 CFR 983.256] | 25 |
| 18-VI.C. PUBLIC HOUSING FSS AND ROSS PARTICIPANTS [Notice PIH 2019-23] | 28 |
| 18-VI.D. RESIDENT PARTICIPATION AND FUNDING [Notice PIH 2019-23] | 28 |
| 18-VI.E. MOVES | 28 |
| 18-VI.H. RESIDENTS' PROCEDURAL RIGHTS [Notice PIH 2019-23] | 32 |
| 18-VI.I. INFORMAL REVIEWS AND HEARINGS [Notice PIH 2019-23] | 32 |
| PART VII: DETERMINING CONTRACT RENT | 33 |
| 18-VII.A. INITIAL CONTRACT RENTS [Notice PIH 2019-23] | 33 |
| 18-VII.B. ADJUSTING CONTRACT RENTS] | 33 |
| 18-VII.C. UTILITY ALLOWANCES] | 34 |
| 18-VII.D. REASONABLE RENT [24 CFR 983.303] | 34 |
| PART VIII: PAYMENTS TO OWNER | 36 |
| 18-VIII.A. HOUSING ASSISTANCE PAYMENTS | 36 |
| 18-VIII.B. VACANCY PAYMENTS [24 CFR 983.352] | 36 |
| 18-VIII.C. TENANT RENT TO OWNER [24 CFR 983.353; Notice PIH 2019-23] | 36 |
| 18-VIII.D. PHASE-IN OF TENANT RENT INCREASES [Notice PIH 2019-23] | 37 |
| 18.VIII.E. OTHER FEES AND CHARGES [24 CFR 983.354] | 38 |

INTRODUCTION

This chapter describes HUD regulations and GRHC policies related to the Project-Based Voucher (PBV) program under the Rental Assistance Demonstration (RAD) program in eight parts:

Part I: General Requirements. This part describes general provisions of the PBV program, including maximum budget authority requirements, relocation requirements, and equal opportunity requirements.

Part II: PBV Project Selection. This part describes the cap on assistance at projects receiving PBV assistance, ownership and control, and site selection standards.

Part III: Dwelling Units. This part describes requirements related to housing quality standards, the type and frequency of inspections, and housing accessibility for persons with disabilities.

Part IV: Housing Assistance Payments Contract. This part discusses HAP contract requirements and policies including the execution and term of the HAP contract.

Part V: Selection of PBV Program Participants. This part describes the requirements and policies governing how the GRHC and the owner will select a family to receive PBV assistance.

Part VI: Occupancy. This part discusses occupancy requirements related to the lease and describes under what conditions families are allowed or required to move.

Part VII: Determining Contract Rent. This part describes how the initial rent to owner is determined, and how rent will be redetermined throughout the life of the HAP contract.

Part VIII: Payments to Owner. This part describes the types of payments owners may receive under this program.

PART I: GENERAL REQUIREMENTS

18-I.A. OVERVIEW AND HISTORY OF THE RAD PROGRAM

The Rental Assistance Demonstration (RAD) program was authorized in 2012 in order to assess the effectiveness of converting public housing, moderate rehabilitation properties, and units under the rent supplement and rental assistance payments programs to long-term, project-based Section 8 rental assistance. The program's four primary objectives are to:

- Preserve and improve public and other assisted housing.
- Standardize the administration of the plethora of federally subsidized housing programs and rules. The conversions are intended to promote operating efficiency by using a Section 8 project-based assistance model that has proven successful and effective for over 30 years. In other words, RAD aligns eligible properties more closely with other affordable housing programs.
- Attract private market capital for property renovations. Through the use of this model, properties may be able to leverage private debt and equity to make capital repairs.
- Increase tenant mobility opportunities.

Under the first component, a PHA with public housing units may submit an application to HUD to convert some or all of their public housing units to long-term, project-based Section 8 HAP contracts under either:

- Project-based rental assistance (PBRA) under HUD's Office of Multifamily Housing Programs.
- Project-based vouchers (PBVs) under HUD's Office of Public and Indian Housing (PIH).

This chapter will focus on public housing conversions to the PBV program under RAD. In order to distinguish between requirements for public housing conversion under RAD and PBV units under the standard PBV program, we will refer to the standard PBV program and the RAD PBV program.

18-I.B. APPLICABLE REGULATIONS

On the whole, the regulations for both the standard and RAD PBV programs generally follow the regulations for the tenant-based HCV program found at 24 CFR Part 982. However, important parts of the tenant-based regulations do not apply to the project-based program. 24 CFR Part 983 outlines the sections of 24 CFR Part 982 that are not applicable to the project-based program.

For the RAD PBV program, Congress authorized HUD to waive certain statutory and regulatory provisions or establish alternative requirements from the standard PBV program. These provisions are identified in Notice PIH 2019-23 (issued September 5, 2019). Any non-RAD PBV units located in the covered project are subject to the same waivers and alternative requirements where noted in Notice PIH 2019-23 and in this policy.

Otherwise, all regulatory and statutory requirements for the standard PBV program in 24 CFR Part 983 and Section 8(o)(13) of the Housing Act of 1937, and all applicable standing and subsequent Office of Public and Indian Housing (PIH) notices and guidance, including related

handbooks, apply to RAD PBV. This includes environmental review, Davis-Bacon, and fair housing requirements.

RAD is authorized by the Consolidated and Further Continuing Appropriations Act of 2012 (Public Law 112-55, approved November 18, 2011), as amended by the Consolidated Appropriations Act of 2014 (Public Law 113-76, approved January 17, 2014), the Consolidated and Further Continuing Appropriations Act of 2015 (Public Law 113-235, approved December 6, 2014), the Consolidated Appropriations Act of 2016 (Public Law 114-113, approved December 18, 2015), the Consolidated Appropriations Act, 2017 (Public Law 115-31, approved May 5, 2017), and section 237 of Title II, Division L, Transportation, Housing and Urban Development, and Related Agencies, of the Consolidated Appropriations Act, 2018 (Public Law 115-141, approved March 23, 2018) collectively, the “RAD Statute.”

Requirements specific to the RAD program may be found in the following:

- Generally, public housing projects converting assistance under RAD are bound by the terms of the notice in effect at the time of closing.
- Except with respect to changes in the project eligibility and selection criteria, not included in this policy, which are effective after a 30-day comment period.
- Except with respect to changes in the project eligibility and selection criteria, not included in this policy, which were effective after a 30-day comment period.
- Except with respect to changes in the project eligibility and selection criteria, not included in this policy, which are effective after a 30-day comment period.
- RAD Quick Reference Guide for Public Housing Converting to PBV Assistance (10/14)
- RAD Welcome Guide for New Awardees: RAD 1st Component (3/15)
- Notice PIH 2016-17, Rental Assistance Demonstration (RAD) Notice Regarding Fair Housing and Civil Rights Requirements and Relocation Requirements Applicable to RAD First Component – Public Housing Conversions.
- Notice PIH 2014-17, Relocation Requirements under the RAD Program, Public Housing in the First Component.

NOTE: The policies in this chapter follow Notice PIH 2016-17. If your project falls under PIH 2014-17, applicable policies may be found in Section 18-I.D.

- RAD FAQs (<http://www.radresource.net/search.cfm>)

In other words, the standard PBV program follows many of the same regulations as the tenant-based HCV program, but not all of them, and the RAD PBV program follows many of the same regulations as the standard PBV program, but not all of them.

MTW agencies are able to apply activities impacting the PBV program that are approved in the MTW Plan to properties converting under RAD, provided they do not conflict with RAD requirements.

18-I.C. TENANT-BASED VS. PROJECT-BASED VOUCHER ASSISTANCE [24 CFR 983.2]

Much of the tenant-based voucher program regulations also apply to the PBV program. Consequently, many of the PHA policies related to tenant-based assistance also apply to RAD PBV assistance. The provisions of the tenant-based voucher regulations that do not apply to the PBV program are listed at 24 CFR 983.2.

Except as otherwise noted in this chapter, or unless specifically prohibited by PBV program regulations, the GRHC policies for the tenant-based voucher program contained in this administrative plan also apply to the RAD PBV program and its participants. This chapter is intended to address requirements specific to the RAD PBV program only.

GRHC has attached RAD PBV assistance to the following sites:

- Creston Phase I and II
- Campau Commons
- Scattered Sites RAD PBV

18-I.D. RELOCATION REQUIREMENTS

For projects that apply for conversion of assistance under the First Component of RAD and will convert November 10, 2016 or later, the following applies [Notice PIH 2016-17]:

- In some developments, in-place residents may need to be relocated as a result of properties undergoing repairs, being demolished and rebuilt, or when assistance is transferred from one site to another. RAD program rules prohibit the permanent, involuntary relocation of residents as a result of conversion. Residents that are temporarily relocated retain the right to return to the project once it has been completed. Any non-RAD PBV units located in the same project are also subject to the right to return.
- Relocation assistance provided to residents will vary depending on the length of time relocation is required. Residents must be properly notified in advance of relocation requirements in accordance with RAD program rules and Uniform Relocation Act (URA) requirements, and other requirements which may be applicable such as Section 104(d) of the Housing and Community Development Act of 1974, as amended. Sample informing notices are provided in Appendices 2–5 of Notice PIH 2014-17. A written relocation plan is required if the RAD conversion involves permanent relocation (including a move in connection with a transfer of assistance) or temporary relocation anticipated to last longer than a year. Appendix II of Notice PIH 2016-17 contains recommended contents for a relocation plan.
- In addition, the GRHC must undertake a planning process that complies with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA), although not all relocations under RAD will trigger requirements under URA. URA statute and implementing regulations may be found at 49 CFR Part 24. The obligation due to relocating residents under RAD are broader than URA relocation assistance and payments.
- Any residents that may need to be temporarily relocated to facilitate rehabilitation or construction will have a right to return to either: a) a unit at the development once rehabilitation or construction is completed, provided the resident's household is not under-

housed; or b) a unit in the development which provides the same major features as the resident's unit in the development prior to the implementation of the RAD conversion.

- Where the transfer of assistance to a new site is warranted and approved, residents of the converting development will have the right to reside in an assisted unit at the new site once rehabilitation or construction is complete.
- If the GRHC's proposed plans for conversion would preclude a resident from returning to the development, the resident must be given an opportunity to comment and/or object to such plans. The GRHC will alter the project plans to accommodate the resident's right to return to the development if the resident would be precluded from returning to the development.
- Examples of project plans that may preclude a resident from returning to the development include, but are not limited to:

Changes in the development's bedroom distribution that decrease the size of the units, resulting in the resident being under-housed;

The resident cannot be accommodated in the remaining assisted units due to a reduction in the number of assisted units at the development;

Income limit eligibility requirements associated with the LIHTC program or another program; and

Failure to provide a reasonable accommodation, in violation of applicable law, where reasonable accommodation may include installation of accessibility features that are needed by the resident.

- Residents of a development undergoing conversion that would be precluded from returning to the development may voluntarily accept the GRHC's or owner's offer to permanently relocate to alternative housing, and thereby waive their right to return to the development after rehabilitation or construction is completed. In this event, the GRHC will secure the resident's written consent to a voluntary permanent relocation in lieu of returning to the development. The GRHC is prohibited from employing any tactics to pressure residents into relinquishing their right to return or accepting other housing options. Additionally, the GRHC will not terminate a resident's lease if the GRHC fails to obtain the resident's consent and the resident seeks to exercise the right to return.
- In the case of multi-phase RAD transactions, the resident has a right to return to the development or to other converted phases of the development that are available for occupancy at the time the resident is eligible to exercise their right of return. Generally, the resident's right to return must be accommodated within the development associated with the resident's original unit, however, the GRHC may treat multiple converted developments on the same site as one for purposes of right to return. Should the GRHC seek to have the resident exercise the right to return at a future phase, the GRHC will secure the resident's consent in writing.
- Alternative housing options may involve a variety of housing options, including but not limited to:
 - Transfers to public housing
 - Admission to other affordable housing properties subject to the applicable program rules

- Housing choice voucher (HCV) assistance
- Homeownership programs subject to the applicable program rules
- Other options identified by the GRHC

However, for projects that applied for conversion prior to November 10, 2016, the following applies [Notice PIH 2014-17]:

- In some developments, in-place residents may need to be relocated as a result of properties undergoing repairs, being demolished and rebuilt, or when assistance is transferred from one site to another. RAD program rules prohibit the permanent, involuntary relocation of residents as a result of conversion. Residents that are temporarily relocated retain the right to return to the project once it has been completed.
- Relocation assistance provided to residents will vary depending on the length of time relocation is required. Residents must be properly notified in advance of relocation requirements in accordance with RAD program rules and Uniform Relocation Act (URA) requirements. Sample informing notices are provided in Appendices 2–5 of Notice PIH 2014-17. Appendix I of Notice PIH 2014-17 contains recommended contents for a relocation plan.
- In addition, the GRHC must undertake a planning process that complies with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA), although not all relocations under RAD will trigger requirements under URA. URA statute and implementing regulations may be found at 49 CFR Part 24.
- Any residents that may need to be temporarily relocated to facilitate rehabilitation or construction will have a right to return to an assisted unit at the development once rehabilitation or construction is completed. Where the transfer of assistance to a new site is warranted and approved, residents of the converting development will have the right to reside in an assisted unit at the new site once rehabilitation or construction is complete. Residents of a development undergoing conversion of assistance may voluntarily accept a GRHC or owner's offer to permanently relocate to another assisted unit, and thereby waive their right to return to the development after rehabilitation or construction is completed.

18-I.E. EQUAL OPPORTUNITY REQUIREMENTS [24 CFR 983.8; 24 CFR 5.105; Notice PIH 2016-17]

RAD conversions are governed by the same civil rights authorities that govern HUD-assisted activities in general. These authorities prohibit discrimination and impose affirmative obligations on HUD program participants. PHAs must comply with all applicable fair housing and civil rights laws, including but not limited to the Fair Housing Act, Title VI of the Civil Rights Act of 1964, and Section 504 of the Rehabilitation Act of 1973, when conducting relocation planning and providing relocation assistance. For example, persons with disabilities returning to the RAD project may not be turned away or placed on a waiting list due to a lack of accessible units. Their need for an accessible unit must be accommodated. See the *RAD Fair Housing, Civil Rights, and Relocation Notice* [Notice PIH 2016-17] for more information.

PART II: PBV PROJECT SELECTION

18-II.A. OVERVIEW

Unlike in the standard PBV program where the GRHC typically selects the property through an owner proposal selection process, projects selected for assistance under RAD PBV are selected in accordance with the provisions in Notice PIH 2019-23. Therefore, 24 CFR 983.51 does not apply since HUD selects RAD properties through a competitive selection process.

18-II.B. OWNERSHIP AND CONTROL [Notice PIH 2019-23]

For projects governed by Notice PIH 2019-23, the following language applies:

- Under the PBV program, the contract administrator and the owner listed on the contract cannot be the same legal entity (i.e., the GRHC cannot execute a contract with itself). To avoid this situation, the GRHC may either: 1) Transfer the ownership of the project to a nonprofit affiliate or instrumentality of the GRHC (including to a “single-purpose entity” that owns nothing other than the property, which will typically be a requirement of a lender or investor), or 2) The GRHC can form a related entity that is responsible for management and leasing and can serve as the owner for purposes of the Section 8 HAP contract; in this scenario, the HAP is then executed between the GRHC (as the contract administrator) and the GRHC’s related entity (as the owner for HAP contract purposes). Note that in the second scenario, both the GRHC and the entity serving as the owner for HAP contract purposes will be required to sign the RAD Use Agreement [RAD Resource Desk FAQ 01/24/19].
- Except where permitted to facilitate the use of low-income housing tax credits, during both the initial term and renewal terms of the HAP contract, ownership must be by a public or nonprofit entity. HUD may also allow ownership of the project to be transferred to a tax credit entity controlled by a for-profit entity to facilitate the use of tax credits for the project, but only if HUD determines that the GRHC or a nonprofit entity preserves an interest in the profit. The requirement for a public or nonprofit entity, or preservation of an interest by a GRHC or nonprofit in a property owned by a tax credit entity controlled by a for-profit entity, is satisfied if a public or nonprofit entity (or entities), directly or through a wholly owned affiliate (1) holds a fee simple interest in the property; (2) is the lessor under a ground lease with the property owner; (3) has the direct or indirect legal authority to direct the financial and legal interest of the property owner with respect to the RAD units, (4) owns 51 percent or more of the general partner interests in a limited partnership or 51 percent or more of the managing member interests in a limited liability company with all powers of a general partner or managing member, as applicable; (5) owns a lesser percentage of the general partner or managing member interests and holds certain control rights as approved by HUD; (6) owns 51 percent or more of all ownership interests in a limited partnership or limited liability company and holds certain control rights as approved by HUD; or (7) demonstrates other ownership and control arrangements approved by HUD.

- Control may be established through the terms of the project owner's governing documents or through a Control Agreement, provided that in either case amendment of the terms of control requires consent from HUD.

For projects subject to the requirements of Notice PIH 2012-32, REV-3, the following language applies:

- Except where permitted to facilitate the use of low-income housing tax credits, during both the initial term and renewal terms of the HAP contract, ownership must be by a public or nonprofit entity. The requirement for a public or nonprofit entity is satisfied if a public or nonprofit entity (or entities), directly or through a wholly owned affiliate (1) holds a fee simple interest in the property; (2) is the lessor under a ground lease with the property owner; (3) has the direct or indirect legal authority to direct the financial and legal interest of the property owner with respect to the RAD units, (4) owns 51 percent or more of the general partner interests in a limited partnership or 51 percent or more of the managing member interests in a limited liability company with all powers of a general partner or managing member, as applicable; (5) owns a lesser percentage of the general partner or managing member interests and holds certain control rights as approved by HUD; (6) owns 51 percent or more of all ownership interests in a limited partnership or limited liability company and holds certain control rights as approved by HUD; or (7) other ownership and control arrangements approved by HUD.
- If low-income housing tax credits will be used, HUD may allow ownership of the property to be transferred to a tax credit entity controlled by a for-profit entity if HUD determines that the GRHC preserves its interest in the property. Preservation of GRHC interest in the property includes but is not limited to the following:

The GRHC, or an affiliate under its sole control, is the general partner or managing member;

The GRHC retains fee ownership and leases the real estate to the tax credit entity pursuant to a long-term ground lease;

The GRHC retains control over leasing the property and determining program eligibility;

The GRHC enters into a control agreement by which the GRHC retains consent rights over certain acts of the project owner and retains certain rights over the project;

Other means that HUD finds acceptable

For projects that converted assistance prior to the implementation of Notice PIH 2012-32, REV-3, the following language applies:

- During both the initial term and renewal terms of the HAP contract, ownership must be either of the following:
 - A public or nonprofit entity that has legal title to the property. The entity must have the legal authority to direct the financial, legal, beneficial, and other interests of the property;
 - or
 - A private entity, if the property has low-income tax credits. The GRHC must maintain control via a ground lease.

18-II.C. GRHC-OWNED UNITS [24 CFR 983.59, FR Notice 1/18/17, and Notice PIH 2017-21]

If the project is GRHC-owned, rent-setting and inspection functions set out in 24 CFR 983.59 must be conducted by an independent entity approved by HUD.

The definition of *ownership or control* provided under Notice PIH 2019-23 (listed above) is used specifically to determine whether the GRHC retains control over a project for purposes of HUD's requirement for ownership or control of the covered project under RAD. For purposes of determining whether an independent entity will perform certain functions for the project, the definition of *PHA-owned* under Notice PIH 2017-21 is used. This is the same definition used for standard PBV units. In some cases, a project may meet the RAD definition of *ownership or control* but may not be considered GRHC-owned for purposes of requiring an independent entity.

The independent entity that performs the program services may be the unit of general local government for the GRHC jurisdiction (unless the GRHC is itself the unit of general local government or an agency of such government), or another HUD-approved public or private independent entity.

GRHC MTW Flexibilities

The GRHC will no longer require a third party to conduct inspections or rent reasonableness at PBV properties that the GRHC has an interest in. The GRHC will follow the inspection process utilizing the current HUD inspection and rent determination method that is used for all other properties.

18-II.D. SUBSIDY LAYERING REQUIREMENTS [Notice PIH 2019-23; Notice PIH 2012-32, REV-3; Notice PIH 2012-32, REV-2]

For projects governed by Notice PIH 2019-23, the following language applies:

- In the case the GRHC will no longer have ACC units as a result of the pending or simultaneous closing, or have less than 50 units remaining and have initiated procedures to dispose of their final ACC units, there is no restriction on the amount of public housing funds that may be contributed to the covered project or projects through the conversion. However, the GRHC must estimate and plan for outstanding liabilities and costs and must follow Notice PIH 2016-23 or successor notice regarding the administrative activities required to terminate the ACC if it has no plans to develop additional public housing.
- In the case where the GRHC will continue to maintain other units in its inventory under a public housing ACC, a contribution of operating funds to the covered project that exceeds the average amount the project has held in operating reserves over the past three years will trigger a subsidy layering review under 24 CFR 4.13. Similarly, any contribution of capital funds, including Replacement Housing Factor (RHF) or Demolition Disposition Transitional Funding (DDTF), will trigger a subsidy layering review.
- Following execution of the HAP contract, the GRHC is authorized to use operating and capital funds to make HAP payments for the remainder of the first calendar year in which the

HAP contract is effective. Otherwise, the GRHC will not contribute public housing program funds to the covered project unless those funds have been identified in the RCC and converted at closing for Section 8 RAD purposes.

For projects governed by Notice PIH 2012-32, REV-3, the following language applies:

- In the case of the GRHC is converting all of its ACC units, there is no restriction on the amount of public housing funds that may be contributed to the covered project at closing; the GRHC may convey all program funds to the covered projects. In order to cover the cost of administrative activities required to terminate the ACC, once it no longer has units under the ACC and has no plans to develop additional public housing, the GRHC may:
 - Designate that a reserve associated with the project be available to fund any public housing closeout costs (such as an operating deficit reserve or a specific GRHC closeout reserve). Any funds not needed for public housing closeout costs would remain in such reserve or may be transferred to another reserve associated with the project (such as the replacement reserve). Thereafter, these funds may be used at the project pursuant to the authorized use of the applicable reserve; or
 - Retain funds under the public housing program for this purpose. However, HUD will recapture any public housing funds that the GRHC does not expend for closeout costs.
- In the case where the GRHC will continue to maintain other units in its inventory under a public housing ACC, a contribution of operating funds to the covered project that exceeds the average amount the project has held in operating reserves over the past three years will trigger a subsidy layering review under 24 CFR 4.13. Similarly, any contribution of capital funds, including Replacement Housing Factor (RHF) or Demolition Disposition Transitional Funding (DDTF), will trigger a subsidy layering review.
- In addition, following execution of the HAP contract, the GRHC is authorized to use operating and capital funds to make HAP payments for the remainder of the first calendar year in which the HAP contract is effective. Otherwise, the GRHC will not contribute public housing program funds to the covered project unless such funding has been identified in the approved financing plan and included in the approved “sources and uses” attached to the RCC.

For projects governed by the requirements of Notice PIH 2012-32, REV-2, the following language applies:

- In the case of the GRHC that is converting all of its ACC units, there is no restriction on the amount of public housing funds that may be contributed to the covered project at closing; the GRHC may convey all program funds to the covered project. HUD will recapture any public housing funds that the GRHC has not expended once it no longer has units under ACC. In the case where the GRHC will continue to maintain other units in its inventory under a public housing ACC, a contribution of operating funds to the covered project that exceeds the average amount the project has held in operating reserves over the past three years will trigger a subsidy layering review under 24 CFR 4.13. Similarly, any contribution of capital funds, including Replacement Housing Factor (RHF) or Demolition Disposition Transitional Funding (DDTF), will trigger a subsidy layering review.

18-II.E. PBV PERCENTAGE LIMITATION AND UNIT CAP [Notice PIH 2019-23]

PBV Percentage Limitation

Covered projects do not count against the maximum amount of assistance the GRHC may utilize for the PBV program, which under the standard PBV program is set at 20 percent of the authorized units allocated to the GRHC under the HCV program. To implement this provision, HUD is waiving section 8(o)(13)(B) of the 1937 Act as well as 24 CFR 983.6.

Unit Cap Limitation

When HUD published REV-3 of Notice PIH 2012-32, the cap on the number of assisted units in each project was eliminated. Under the standard PBV program the cap is set at the greater of 25 units or 25 percent of the units in the project. HUD is waiving this requirement, and projects governed by Notice PIH 2019-23 and Notice PIH 2012-32, REV-3 have no cap on the number of units that may receive PBV assistance in a project.

However, for projects that are governed by REV-2 of Notice PIH 2012-32, the cap on the number of PBV units in the project is increased to 50 percent. In these projects, however, provided units met certain exception criteria, the GRHC may have converted a larger number of units to RAD PBV. For projects governed by the requirements of Notice PIH 2012-32, REV-2 **only**, the following language applies:

- In general, the GRHC may not provide PBV assistance for units in a project if the total number of dwelling units in the project that will receive PBV assistance during the term of the PBV HAP contract is more than 50 percent of the number of dwelling units (assisted or unassisted) in the project. However, the GRHC may exceed the 50 percent limitation when units in the project are occupied by elderly and/or disabled families or families that will receive supportive services. These units are known as “excepted units” and do not count toward the project cap.
- For projects governed by the requirements of Notice PIH 2012-32, REV-2 choosing to include excepted units, the GRHC will not provide RAD PBV assistance for any excepted units.

18-II.F. SITE SELECTION STANDARDS [Notice PIH 2019-23; Notice PIH 2016-17]

Site selection requirements set forth in 24 CFR 983.57 apply to RAD PBV, with the exception of 983.57(b)(1) and (c)(2). HUD waives the provisions regarding deconcentration of poverty and expanding housing and economic opportunity for existing housing sites.

To facilitate the uniform treatment of residents and units, any non-RAD PBV units located in the same project are subject to the terms of this provision.

HUD will conduct a front-end civil rights review of the GRHC’s proposed site in certain circumstances. For RAD PBV conversions that involve new construction located in an area of minority concentration (whether on the existing public housing site or on a new site) HUD will determine whether it meets one of the exceptions that would allow for new construction in an area of minority concentration.

The GRHC must ensure that its RAD PBV conversion, including any associated new construction, is consistent with its certification to affirmatively further fair housing and complies with civil rights laws.

18-II.G. ENVIRONMENTAL REVIEW [Notice PIH 2019-23; *Environmental Review Requirements for RAD Conversions*, March 2019]

HUD cannot approve an applicant's financing plan submission unless and until the required environmental review has been completed for the applicant's proposed conversion project and found to meet environmental review requirements. Environmental documents must be submitted no later than the applicant's financing plan. HUD will not issue a RAD Conversion Commitment (RCC) if the project plan does not meet the environmental review requirements described in Attachment 1A of Notice PIH 2019-23. Once an awardee has submitted an application for a specific project, they may not make any choice limiting actions before the completion of the environmental review.

PART III: DWELLING UNITS

18-III.A. OVERVIEW

This part identifies the special housing quality standards that apply to the RAD PBV program, housing accessibility for persons with disabilities, and special procedures for conducting housing quality standards inspections.

18-III.B. HOUSING QUALITY STANDARDS [24 CFR 983.101]

The housing quality standards (HQS) for the tenant-based program generally apply to the PBV program. HQS requirements for shared housing, manufactured home space rental, and the homeownership option do not apply because these housing types are not assisted under the PBV program.

The physical condition standards at 24 CFR 5.703 do not apply to the PBV program.

Lead-based Paint [24 CFR 983.101(c); Notice PIH 2019-23]

The lead-based paint requirements for the tenant-based voucher program do not apply to the PBV program. Instead, The Lead-based Paint Poisoning Prevention Act (42 U.S.C. 4821-4846), the Residential Lead-based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851-4856), and implementing regulations at 24 CFR part 35, subparts A, B, H, and R, and 40 CFR 745.227, apply to the PBV program.

18-III.C. HOUSING ACCESSIBILITY FOR PERSONS WITH DISABILITIES [Notice PIH 2016-17]

Federal accessibility requirements apply to all conversions, whether they entail new construction, alternations, or existing facilities. The housing must comply with program accessibility requirements of section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and implementing regulations at 24 CFR part 8. The must ensure that the percentage of accessible dwelling units complies with the requirements of section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), as implemented by HUD's regulations at 24 CFR 8, subpart C.

Housing first occupied after March 13, 1991, must comply with design and construction requirements of the Fair Housing Amendments Act of 1988 and implementing regulations at 24 CFR 100.205, as applicable. (24 CFR 983.102)

18-III.D. INSPECTING UNITS

Initial Inspection [RAD Quick Reference Guide; Notice PIH 2019-23]

Under standard PBV regulations at 24 CFR 983.103(b), the GRHC will not enter into a HAP contract until the GRHC has determined all units comply with HQS. It is the responsibility of the contract administrator to perform this initial inspection (unless units are GRHC-owned). In order to accommodate projects in which repairs are conducted, however, HUD has waived this requirement when units are undergoing rehabilitation. In this case, units must meet HQS by the date indicated in the RAD Conversion Commitment (RCC).

Turnover Inspections [24 CFR 983.103(c), FR Notice 1/18/17, and Notice PIH 2017-20]

Before providing assistance to a new family in a contract unit, the GRHC will inspect the unit. The GRHC will not provide assistance on behalf of the family until the unit fully complies with HQS.

Annual/Biennial Inspections [24 CFR 983.103(d); FR Notice 6/25/14]

The GRHC will inspect on a bi-annual basis a random sample consisting of at least 20 percent of the contract units in each building to determine if the contract units and the premises are maintained in accordance with HQS.

If more than 20 percent of the sample of inspected contract units in a building fail the initial inspection, the GRHC will reinspect 100 percent of the contract units in the building.

Alternative Inspections [24 CFR 983.103(g); Notice PIH 2016-05]

The GRHC will not rely on alternative inspection standards.

Other Inspections [24 CFR 983.103(e)]

The GRHC will inspect contract units whenever needed to determine that the contract units comply with HQS and that the owner is providing maintenance, utilities, and other services in accordance with the HAP contract. The GRHC will take into account complaints and any other information coming to its attention in scheduling inspections.

The GRHC will conduct follow-up inspections needed to determine if the owner (or, if applicable, the family) has corrected an HQS violation, and must conduct inspections to determine the basis for exercise of contractual and other remedies for owner or family violation of HQS.

In conducting GRHC supervisory quality control HQS inspections, the GRHC will include a representative sample of both tenant-based and project-based units.

PART IV: HOUSING ASSISTANCE PAYMENTS (HAP) CONTRACT

18-IV.A. OVERVIEW [*PBV Quick Reference Guide 10/14*]

Public housing projects converting under RAD do not employ the PBV Agreement to Enter into a Housing Assistance Payments (AHAP) contract. Instead, following the execution of all requirements contained in the Commitment to Enter into a HAP (CHAP) contract and the RAD Conversion Commitment (RCC), a project is converted immediately to the RAD PBV HAP contract following the closing of any construction financing. Owners of public housing projects converted to PBV assistance via RAD enter into a HAP contract with the GRHC that will administer the PBV assistance. Units assisted under a RAD PBV HAP contract must be subject to long-term, renewable use and affordability restrictions.

18-IV.B. HAP CONTRACT REQUIREMENTS

Contract Information [*PBV Quick Reference Guide 10/14; Notice PIH 2019-23*]

The RAD PBV program uses the PBV HAP contract for new construction or rehabilitated housing (Form HUD-52530A), as modified by the RAD rider (Form HUD-52621). For closings on or after January 1, 2018, HUD incorporated the RAD rider directly into the standard PBV HAP contract. For closing that occurred prior to January 1, 2018, the RAD rider must be attached to the PBV HAP contract.

The distinction between “existing housing” and “rehabilitated and newly constructed housing” is overridden by RAD requirements. The project must also have an initial RAD use agreement. All public housing RAD conversion properties financed with LIHTC are also required to include an LIHTC rider.

Execution and Effective date of the HAP Contract [*RADBlast! 7/11/16*]

RAD PBV projects do not employ an Agreement to Enter into a Housing Assistance Payments (AHAP) contract like in the standard PBV program. Rather, when the conditions of the CHAP and the RCC are met and the conversion has closed, the GRHC executes the HAP contract. Project owners may select the effective date of the HAP contract as the first day of either of the two months following the completed closing.

Term of HAP Contract [*Notice PIH 2019-23*]

The initial term of the HAP contract may not be for less than 15 years and may be for a term of up to 20 years upon request of the owner and with approval of the administering voucher agency. Upon expiration of the initial term of the contract, and upon each renewal term of the contract, the owner must accept each offer to renew the contract, for the prescribed number and mix of units, either on the site of the project subject to the expiring contract or, upon request of the project owner and subject to GRHC and HUD approval, at another site through a future transfer of assistance. Contracts are subject to the terms and conditions applicable at the time of each offer and further subject to the availability of appropriations for each year of each such renewal. To implement this provision, HUD is waiving section 8(o)(13)(F) of The United States Housing Act of 1937, which permits a minimum term of one year, as well as 24 CFR 983.205(a), which governs the contract term.

Agreement to Enter into a HAP (AHAP) Contract [Notice PIH 2019-23]

For public housing conversions to PBV, there will be no agreement to enter into a Housing Assistance Payments (AHAP) contract. Therefore, all regulatory references to the Agreement (AHAP), including regulations under 24 CFR Part 983 Subpart D, are waived. The definitions for proposal selection date, new construction, rehabilitation, and existing housing are not applicable.

Mandatory Contract Renewal [Notice PIH 2019-23]

By statute, upon contract expiration, the agency administering the vouchers will offer, and the GRHC will accept, renewal of the contract for the prescribed number and mix of units, either on the site of the project subject to the expiring contract or, upon request of the project owner and subject to GRHC and HUD approval, at another site through a future transfer of assistance. The contract is subject to the terms and conditions applicable at the time of renewal and the availability of appropriations each year for such renewal. Consequently 24 CFR 983.205(b), governing the GRHC discretion to renew the contract, will not apply.

In the event that the HAP contract is removed due to breach, non-compliance or insufficiency of appropriations, for all units previously covered under the HAP contract, new tenants must have incomes at or below 80 percent of the area median income at the time of admission and rents may not exceed 30 percent of 80 percent of median income for an appropriate size unit for the remainder of the term of the RAD use agreement.

Remedies for HQS Violations [24 CFR 983.208(b)]

The GRHC will abate and terminate PBV HAP contracts for noncompliance with HQS in accordance with the policies used in the tenant-based voucher program. These policies are contained in Section 8-II.G., Enforcing Owner Compliance.

18-IV.C. AMENDMENTS TO THE HAP CONTRACT

Floating Units [Notice PIH 2019-23]

The GRHC will not float assistance among unoccupied units within the project.

Reduction in HAP Contract Units [Notice PIH 2019-23]

Project owners are required to make available for occupancy by eligible tenants the number of assisted units under the terms of the HAP contract.

The GRHC will not reduce the number of assisted units without written HUD approval. Any HUD approval of a GRHC's request to reduce the number of assisted units under contract is subject to conditions that HUD may impose. MTW agencies may not alter this requirement.

If units are removed from the HAP contract because a new admission's TTP comes to equal or exceed the gross rent for the unit and if the project is fully assisted, the GRHC will reinstate the unit after the family has vacated the property. If the project is partially assisted, the GRHC may substitute a different unit for the unit on the HAP contract in accordance with 24 CFR 983.207, or where the development has "floating" units.

18-IV.D. HAP CONTRACT YEAR AND ANNIVERSARY DATES [24 CFR 983.302(e)]

The HAP contract year is the period of 12 calendar months preceding each annual anniversary of the HAP contract during the HAP contract term. The initial contract year is calculated from the first day of the first calendar month of the HAP contract term.

The annual anniversary of the HAP contract is the first day of the first calendar month after the end of the preceding contract year. There is a single annual anniversary date for all units under a particular HAP contract.

18-IV.E. OWNER RESPONSIBILITIES UNDER THE HAP CONTRACT [24 CFR 983.210]

When the owner executes the HAP contract, he or she certifies that at such execution and at all times during the term of the HAP contract:

- All contract units are in good condition and the owner is maintaining the premises and contract units in accordance with HQS;
- The owner is providing all services, maintenance, equipment, and utilities as agreed to under the HAP contract and the leases;
- Each contract unit for which the owner is receiving HAP is leased to an eligible family referred by the GRHC, and the lease is in accordance with the HAP contract and HUD requirements;
- To the best of the owner's knowledge, the family resides in the contract unit for which the owner is receiving HAP, and the unit is the family's only residence;
- The owner (including a principal or other interested party) is not the spouse, parent, child, grandparent, grandchild, sister, or brother of any member of a family residing in a contract unit;
- The amount of the HAP the owner is receiving is correct under the HAP contract;
- The rent for contract units does not exceed rents charged by the owner for comparable unassisted units;
- Except for HAP and tenant rent, the owner has not received and will not receive any other payment or consideration for rental of the contract unit;
- The family does not own or have any interest in the contract unit (this does not apply to the family's membership in a cooperative); and
- Repair work on the project selected as an existing project that is performed after HAP contract execution within such post-execution period as specified by HUD may constitute development activity, and if determined to be development activity, the repair work undertaken shall be in compliance with Davis-Bacon wage requirements.

18-IV.F. VACANCY PAYMENTS [24 CFR 983.352(b)]

The GRHC will provide vacancy payments to the owner. The HAP contract with the owner will contain the amount of the vacancy payment and the period for which the owner will qualify for these payments.

PART V: SELECTION OF PBV PROGRAM PARTICIPANTS

18-V.A. OVERVIEW

Many of the provisions of the tenant-based voucher regulations [24 CFR 982] also apply to the PBV program. This includes requirements related to determining eligibility and selecting applicants from the waiting list. Even with these similarities, there are requirements that are unique to the PBV program. This part describes the requirements and policies related to eligibility and admission to the PBV program.

18-V.B. PROHIBITED RESCREENING OF EXISTING TENANTS UPON CONVERSION [Notice PIH 2019-23]

Current households cannot be excluded from occupancy at the covered project based on any rescreening, income eligibility, or income targeting provisions. Consequently, current households will be grandfathered for application of any eligibility criteria to conditions that occurred prior to conversion but will be subject to any ongoing eligibility requirements for actions that occur after conversion. Post-conversion, the tenure of all residents of the covered project is protected pursuant to PBV requirements regarding continued occupancy unless explicitly modified by Notice PIH 2019-23 (e.g., rent phase-in provisions). For example, a unit with a household that was over-income at time of conversion would continue to be treated as an assisted unit. Thus, 24 CFR 982.201, concerning eligibility and targeting, will not apply for current households. Once that remaining household moves out, the unit must be leased to an eligible family. Existing residents at the time of conversion may not be rescreened for citizenship status or have their social security numbers reverified.

Further, so as to facilitate the right to return to the assisted property, this provision must apply to current public housing residents of the converting project that will reside in non-RAD PBV units placed in a project that contain RAD PBV units. Such families and such contract units will otherwise be subject to all requirements of the applicable program, specifically 24 CFR 983 for non-RAD PBV. Any non-RAD PBV units located in the same project are also subject to the right to return.

For the RAD PBV program, *in-place family* means a family who lived in a pre-conversion property at the time assistance was converted from public housing to PBV under RAD.

18-V.C. ELIGIBILITY FOR PBV ASSISTANCE [24 CFR 983.251(a) and (b)]

Applicants for PBV assistance must meet the same eligibility requirements as applicants for the tenant-based voucher program. Applicants must qualify as a family as defined by HUD and the GRHC, have income at or below HUD-specified income limits, and qualify on the basis of citizenship or the eligible immigration status of family members [24 CFR 982.201(a) and 24 CFR 983.2(a)]. In addition, an applicant family must provide social security information for family members [24 CFR 5.216 and 5.218] and consent to the GRHC's collection and use of family information regarding income, expenses, and family composition [24 CFR 5.230]. The GRHC may also not approve a tenancy if the owner (including a principal or other interested party) of the unit is the parent, child, grandparent, grandchild, sister, or brother of any member of the family, unless needed as a reasonable accommodation. An applicant family must also meet HUD requirements related to current or past criminal activity.

18-V.D. ORGANIZATION OF THE WAITING LIST [24 CFR 983.251(c); Notice PIH 2019-23]

The GRHC will establish and manage separate waiting lists for individual projects or buildings that are receiving RAD PBV assistance. The GRHC currently has waiting lists for the following RAD PBV projects:

- **Campau Commons**
- **Creston Plaza**

For any applicants on the public housing waiting list that are likely to be ineligible for admission to a covered project converting to PBV because the household's TTP is likely to exceed the RAD gross rent, the PHA will consider transferring such household, consistent with program requirements for administration of waiting lists, to the PHA's remaining public housing waiting lists or to another voucher waiting list, in addition to transferring such household to the waiting list for the covered project.

To the extent any wait list relies on the date and time of application, the applicants shall have priority on the wait lists to which their application was transferred in accordance with the date and time of their application to the original waiting list.

The GRHC will maintain the project-specific waiting list in accordance with all applicable civil rights and fair housing regulations found at 24 CFR 903.7(b)(2)(ii)-(iv). The GRHC will provide applicants full information about each development, including an estimate of the wait time, location, occupancy, number and size of accessible units, and amenities like day care, security, transportation, and training programs at each development with a site-based waiting list. The system for selection will be consistent with all applicable civil rights and fair housing laws and regulations and may not be in conflict with any imposed or pending court order, settlement agreement, or complaint brought by HUD.

The GRHC will give priority to participants moving under a VAWA emergency transfer from one PBV development to another in accordance with Section 18-VI.E.

18-V.E. SELECTION FROM THE WAITING LIST [24 CFR 983.251(c)]

After conversion to RAD PBV, applicants who will occupy units with RAD PBV assistance must be selected from the GRHC's waiting list.

Income Targeting [24 CFR 983.251(c)(6); Notice PIH 2019-23]

At least 75 percent of the families admitted to the PHA's tenant-based and project-based voucher programs during the PHA fiscal year from the waiting list must be extremely-low income families. The income targeting requirement applies to the total of admissions to both programs.

Families in place at the time of the conversion are exempt from income targeting requirements. New admissions follow standard PBV requirements. Any non-RAD PBV units located in the same project are also subject to these requirements.

GRHC MTW Flexibility

The GRHC will ensure that at least 75 percent of households admitted during each fiscal year in the public housing, Housing Choice Voucher (HCV), and local, non-traditional programs—will be very low-income (50%).

Units with Accessibility Features [24 CFR 983.251(c)(7)]

When selecting families to occupy PBV units that have special accessibility features for persons with disabilities, the GRHC will first refer families who require such features to the owner.

Preferences [24 CFR 983.251(d); FR Notice 11/24/08; Notice PIH 2019-23]

The GRHC will not offer any preferences for the RAD PBV program. However, the GRHC will give priority to participants moving under a VAWA emergency transfer from one PBV development to another in accordance with Section 18-VI.E.

18-V.F. OFFER OF PBV ASSISTANCE

Refusal of Offer [24 CFR 983.251(e)(3)]

The GRHC is prohibited from taking any of the following actions against a family who has applied for, received, or refused an offer of PBV assistance:

- Refusing to list the applicant on the waiting list for tenant-based voucher assistance
- Denying any admission preference for which the applicant qualifies
- Changing the applicant's place on the waiting list based on preference, date, and time of application, or other factors affecting selection under the GRHC's selection policy
- Removing the applicant from the tenant-based voucher waiting list

Disapproval by Landlord [24 CFR 983.251(e)(2)]

If a PBV owner rejects a family for admission to the owner's units, such rejection may not affect the family's position on the tenant-based voucher waiting list.

Acceptance of Offer [24 CFR 983.252]

Family Briefing

When a family accepts an offer for PBV assistance, the GRHC will give the family an oral briefing. The briefing must include information on how the program works and the responsibilities of the family and owner. In addition to the oral briefing, the GRHC will provide a briefing packet that explains how the GRHC determines the total tenant payment for a family, the family obligations under the program, and applicable fair housing information.

Persons with Disabilities

If an applicant family's head or spouse is disabled, the GRHC will assure effective communication, in accordance with 24 CFR 8.6, in conducting the oral briefing and in providing the written information packet. This may include making alternative formats available (see Chapter 2). In addition, the GRHC will have a mechanism for referring a family that includes a member with a mobility impairment to an appropriate accessible PBV unit.

Persons with Limited English Proficiency

The GRHC will take reasonable steps to assure meaningful access by persons with limited English proficiency in accordance with Title VI of the Civil Rights Act of 1964 and Executive Order 13166 (see Chapter 2).

18-V.G. OWNER SELECTION OF TENANTS [24 CFR 983.253]

The owner is responsible for developing written tenant selection procedures that are consistent with the purpose of improving housing opportunities for very low-income families and reasonably related to program eligibility and an applicant's ability to fulfill their obligations under the lease. An owner must promptly notify in writing any rejected applicant of the grounds for any rejection.

Leasing [24 CFR 983.253(a)]

During the term of the HAP contract, the owner must lease contract units to eligible families that are selected and referred by the PHA from the PHA's waiting list. The contract unit leased to the family must be the appropriate size unit for the size of the family, based on the PHA's subsidy standards.

Filling Vacancies [24 CFR 983.254(a)]

The owner must notify the GRHC in writing (mail, fax, or email) within seven (7) calendar days of learning about any vacancy or expected vacancy.

The GRHC will make every reasonable effort to refer families to the owner within 15 calendar days of receiving such notice from the owner.

18-V.H. TENANT SCREENING [24 CFR 983.255]

GRHC Responsibility

The GRHC is not responsible or liable to the owner or any other person for the family's behavior or suitability for tenancy. The GRHC will not conduct screening to determine a PBV applicant family's suitability for tenancy.

The GRHC will inform owners of their responsibility to screen prospective tenants, and will provide owners with the required known name and address information, at the time of the turnover HQS inspection or before. The GRHC will not provide any additional information to the owner, such as tenancy history, criminal history, etc.

The GRHC will provide the owner with an applicant family's current and prior address (as shown in GRHC records) and the name and address (if known by the GRHC) of the family's current landlord and any prior landlords.

The GRHC will provide applicant families a description of the GRHC Policy on providing information to owners, and the GRHC will give the same types of information to all owners.

The GRHC will not disclose to the owner any confidential information provided in response to a request for documentation of domestic violence, dating violence, sexual assault, or stalking, except at the written request or with the written consent of the individual providing the documentation [24 CFR 5.2007(c)].

Owner Responsibility

The owner is responsible for screening and selection of the family to occupy the owner's unit. When screening families the owner may consider a family's background with respect to the following factors:

- Payment of rent and utility bills

- Caring for a unit and premises
- Respecting the rights of other residents to the peaceful enjoyment of their housing
- Drug-related criminal activity or other criminal activity that is a threat to the health, safety, or property of others
- Compliance with other essential conditions of tenancy

PART VI: OCCUPANCY

18-VI.A. OVERVIEW

After an applicant has been selected from the waiting list, determined eligible by the GRHC, referred to an owner, and determined suitable by the owner, the family will sign the lease and occupancy of the unit will begin.

18-VI.B. LEASE [24 CFR 983.256]

The tenant must have legal capacity to enter into a lease under state and local law. *Legal capacity* means that the tenant is bound by the terms of the lease and may enforce the terms of the lease against the owner.

The tenant and the owner must enter into a written lease agreement that is signed by both parties. The tenancy addendum must include, word-for-word, all provisions required by HUD.

Lease Requirements [24 CFR 983.256(c); Notice PIH 2019-23]

The lease for a PBV unit must specify all of the following information:

- The names of the owner and the tenant;
- The unit rented (address, apartment number, if any, and any other information needed to identify the leased contract unit);
- The term of the lease (initial term and any provision for renewal);
- The amount of the tenant rent to owner, which is subject to change during the term of the lease in accordance with HUD requirements;
- A specification of the services, maintenance, equipment, and utilities that will be provided by the owner; and
- The amount of any charges for food, furniture, or supportive services.

The GRHC will include resident procedural rights for termination notification and grievance procedures in the owner's lease. These requirements are not part of the regular PBV program but are required under RAD..

Tenancy Addendum [24 CFR 983.256(d)]

The tenancy addendum in the lease must state:

- The program tenancy requirements
- The composition of the household as approved by the GRHC (the names of family members and any GRHC-approved live-in aide)

All provisions in the HUD-required tenancy addendum must be included in the lease. The terms of the tenancy addendum prevail over other provisions of the lease.

Initial Term and Lease Renewal [24 CFR 983.256(f); *PBV Quick Reference Guide* 10/14]

Leases for residents who will remain in place (i.e., who will not be relocated solely as a result of conversion) must have an effective date that coincides with—and must be signed on or before—the effective date of the RAD PBV HAP contract.

The initial lease term must be for at least one year. The lease must provide for automatic renewal after the initial term of the lease in either successive definitive terms (e.g., month-to-month or year-to-year) or an automatic indefinite extension of the lease term. For automatic indefinite extension of the lease term, the lease terminates if any of the following occur:

- The owner terminates the lease for good cause
- The tenant terminates the lease
- The owner and tenant agree to terminate the lease
- The GRHC terminates the HAP contract
- The GRHC terminates assistance for the family

Changes in the Lease [24 CFR 983.256(e)]

If the tenant and owner agree to any change in the lease, the change must be in writing, and the owner must immediately give the GRHC a copy of all changes.

The owner must notify the GRHC in advance of any proposed change in the lease regarding the allocation of tenant and owner responsibilities for utilities. Such changes may only be made if approved by the GRHC and in accordance with the terms of the lease relating to its amendment. The GRHC will redetermine reasonable rent, in accordance with program requirements, based on any change in the allocation of the responsibility for utilities between the owner and the tenant. The redetermined reasonable rent will be used in calculation of the rent to owner from the effective date of the change.

Owner Termination of Tenancy [24 CFR 983.257; Notice PIH 2019-23]

With two exceptions, the owner of a PBV unit may terminate tenancy for the same reasons an owner may in the tenant-based voucher program (see Section 12-III.B. and 24 CFR 982.310). In the PBV program, terminating tenancy for “good cause” does not include doing so for a business or economic reason, or a desire to use the unit for personal or family use or other non-residential purpose.

Projects converting from public housing to PBV under RAD have additional procedural rights that do not apply to the standard PBV program. These procedural rights must be included in the owner’s lease as well as the GRHC’s administrative plan. In addition to the regulations at 24 CFR 983.257 related to project owner termination of tenancy and eviction (which MTW agencies may not alter) the termination procedure for RAD conversions to PBV will require that the GRHC provide adequate written notice of termination of the lease, which may not be less than:

- A reasonable period of time, but not to exceed 30 days:
 - If the health or safety of other tenants, GRHC employees, or persons residing in the immediate vicinity of the premises is threatened; or

- In the event of any drug-related or violent criminal activity or any felony conviction
- Not less than 14 calendar days in the case of nonpayment of rent
- Not less than 30 calendar days in any other case, except that if a state or local law provides for a shorter period of time, such shorter period will apply

These provisions apply to non-RAD PBV units located in the project as well.

Tenant Absence from the Unit [24 CFR 983.256(g) and 982.312(a)]

The lease may specify a maximum period of family absence from the unit that may be shorter than the maximum period permitted by GRHC Policy. According to program requirements, the family's assistance must be terminated if they are absent from the unit for more than 180 consecutive days. GRHC termination of assistance actions due to family absence from the unit are subject to 24 CFR 982.312, except that the unit is not terminated from the HAP contract if the family is absent for longer than the maximum period permitted.

Continuation of Housing Assistance Payments [24 CFR 983.258; Notice PIH 2019-23]

Current residents living in the property prior to conversion are placed on and remain under the HAP contract when TTP equals or exceeds gross rent. In this case, until such time as the family's TTP falls below the gross rent, the family will pay the owner the lesser of their TTP minus the utility allowance or any applicable maximum rent under the LIHTC program. The family will continue to pay this amount until/if circumstances change and HAP is paid on their behalf. In other words, assistance may subsequently be reinstated if the tenant becomes eligible for assistance. In such cases, the resident is still considered a program participant. All of the family obligations and protections under RAD and standard PBV apply to the resident. Likewise, all requirements with respect to the unit, such as compliance with the HQS requirements, apply as long as the unit is under HAP contract. Any non-RAD PBV units located in the same project are also subject to these requirements.

Further, for any new families admitted after the conversion, assistance will be terminated 180 days after the last housing assistance payment on their behalf. The cessation of housing assistance payments does not affect the family's other rights under its lease, nor does it preclude the resumption of payments as a result of later changes in income, rents, or other relevant circumstances if such changes occur within the 180-day window. If a family's assistance is terminated as a result of their zero HAP status, the GRHC will remove the unit from the HAP contract. If the project is fully assisted, the GRHC will reinstate the unit after the family has vacated the property. If the project is partially assisted, the GRHC may substitute a different unit for the unit on the HAP contract in accordance with 24 CFR 983.207.

Security Deposits [24 CFR 983.259; *PBV Quick Reference Guide 10/14*]

Owners are permitted to recognize security deposit amounts that have been previously provided by tenants who are in-place at the time of the RAD conversion. Otherwise the security deposit requirements for standard PBV apply.

The owner may collect a security deposit from the tenant. The GRHC will prohibit security deposits in excess of private market practice, or in excess of amounts charged by the owner to unassisted tenants.

When the tenant moves out of a contract unit, the owner, subject to state and local law, may use the security deposit, including any interest on the deposit, in accordance with the lease, as reimbursement for any unpaid tenant rent, damages to the unit, or other amounts owed by the tenant under the lease.

The owner must give the tenant a written list of all items charged against the security deposit and the amount of each item. After deducting the amount used to reimburse the owner, the owner must promptly refund the full amount of the balance to the tenant.

If the security deposit does not cover the amount owed by the tenant under the lease, the owner may seek to collect the balance from the tenant. The GRHC has no liability or responsibility for payment of any amount owed by the family to the owner.

18-VI.C. PUBLIC HOUSING FSS AND ROSS PARTICIPANTS [Notice PIH 2019-23]

Current PH FSS participants will continue to participate in the GRHC's FSS program, and the GRHC will be allowed to use any PH FSS funds granted previously or pursuant to the current fiscal year (FY) PH FSS notice of funding availability (NOFA) to serve those FSS participants who live in units converted to RAD and who will as a result be moving to the HCV FSS program. The GRHC will convert the PH FSS program participants at the covered project to their HCV FSS program.

Residents who were converted from the PH FSS program to the HCV FSS program through RAD may not be terminated from the HCV FSS program or have HCV assistance withheld due to the participant's failure to comply with the contract of participation. Consequently, 24 CFR 984.303(b)(5)(iii) does not apply to FSS participants in converted properties.

18-VI.D. RESIDENT PARTICIPATION AND FUNDING [Notice PIH 2019-23]

Residents of covered projects converting assistance to PBVs will have the right to establish and operate a resident organization for the purpose of addressing issues related to their living environment and be eligible for resident participation funding.

18-VI.E. MOVES

Overcrowded, Under-Occupied, and Accessible Units [24 CFR 983.260; Notice PIH 2019-23]

All in-place tenants at the time of conversion are eligible to remain in the project. Over-housed families should be moved into appropriately sized units if such units are available in the new or rehabbed project. If appropriately sized units are not available, the existing tenants may continue to be over-housed until an appropriately sized unit becomes available or until the tenant leaves the project. Once the unit turns over, it must be leased to an appropriately sized family. Any non-RAD PBV units located in the same project are also subject to these requirements.

Following conversion, the standard PBV regulations apply. If the GRHC determines that a family is occupying a wrong-size unit, based on the GRHC's subsidy standards, or a unit with accessibility features that the family does not require, and the unit is needed by a family that does require the features, the GRHC will promptly notify the family and the owner of this determination, and the GRHC will offer the family the opportunity to receive continued housing assistance in another unit.

The GRHC will notify the family and the owner of the family's need to move based on the occupancy of a wrong-size or accessible unit within 10 business days of the GRHC's determination. The GRHC will offer the family the following types of continued assistance in the following order, based on the availability of assistance:

1. PBV assistance in the same building or project
2. PBV assistance in another project
3. Tenant-based voucher assistance

If the GRHC offers the family a tenant-based voucher, the GRHC must terminate the housing assistance payments for a wrong-size or accessible unit at the earlier of the expiration of the term of the family's voucher, including any extension granted by the GRHC, or the date upon which the family vacates the unit. If the family does not move out of the wrong-size unit or accessible unit by the expiration of the term of the family's voucher, the GRHC must remove the unit from the HAP contract.

If the GRHC offers the family another form of assistance that is not a tenant-based voucher, and the family does not accept the offer, does not move out of the PBV unit within 30 calendar days, the GRHC will terminate the housing assistance payments for the unit at the expiration of a reasonable period as determined by the GRHC and remove the unit from the HAP contract.

The GRHC may make exceptions to this 30-day period if needed for reasons beyond the family's control such as death, serious illness, or other medical emergency of a family member.

Family Right to Move [24 CFR 983.261]

The family may terminate the lease at any time after the first year of occupancy. The family must give advance written notice to the owner in accordance with the lease and provide a copy of such notice to the GRHC.

Choice Mobility [Notice PIH 2019-23]

If the family wishes to move with continued tenant-based assistance, the family must contact the GRHC to request the rental assistance prior to providing notice to terminate the lease. If the family terminates the lease in accordance with lease requirements, the GRHC is required to offer the family the opportunity for continued tenant-based assistance, in the form of a voucher or other comparable tenant-based rental assistance. If a voucher or other comparable tenant-based assistance is not immediately available, the GRHC will give the family priority to receive the next available opportunity for continued tenant-based assistance.

If the family terminates the assisted lease before the end of the first year, the family relinquishes the opportunity for continued tenant-based assistance.

Prior to providing notice to the owner to terminate the lease, the family may submit a written request to the GRHC for a choice mobility voucher at any time after completing the 12-month occupancy requirement.

The family will remain eligible to request a choice mobility voucher as long as they continue living at the same covered project. If a family moves from one covered project to another covered project prior to completing their 12-month occupancy requirement, their 12-month clock will reset. The family must wait 12 months from the date of move at the new property before they may request another choice mobility voucher. If a family transfers to a different unit within the same covered project, the 12-month clock does not reset.

The GRHC will maintain a combined, agency-wide waiting list for all standard PBV and RAD PBV families wishing to exercise mobility after one year of tenancy. This list will be maintained separately from the tenant-based HCV list. Families on the choice mobility waiting list will be given priority over families on the tenant-based waiting list. The choice mobility waiting list will be organized by date and time of the family's written request to exercise choice mobility. The list will also identify whether families live in standard or RAD PBV units.

Turnover Cap

As a result of RAD, the total number of PBV units (including RAD PBV units) administered by the GRHC exceeds 20 percent of the GRHC's authorized units under its HCV ACC with HUD. Therefore, the GRHC will establish a choice mobility cap. The GRHC will not provide more than three-quarters of its turnover vouchers in a single year to residents of covered projects.

Families who requested a choice mobility voucher and are denied due to the cap will be given priority the following year when choice mobility vouchers are again issued since the choice mobility list will be organized by the date and time of the family's request.

Emergency Transfers under VAWA [Notice PIH 2017-08]

When the victim of domestic violence, dating violence, sexual assault, or stalking has lived in the unit for less than one year, the GRHC will provide several options for continued assistance.

The GRHC will first try to transfer the participant to another PBV unit in the same development or transfer to a different development where the GRHC has PBV units. The GRHC will expedite the administrative processes in this case in an effort to conduct the transfer as quickly as possible. If assistance is transferred to another development, the GRHC will give priority to the participant on the other development's waiting list.

If no units are available for an internal transfer to a PBV development or if there is reasonable cause to believe that such a transfer would put the victim in jeopardy, the participant may receive continued assistance through an external transfer to either tenant-based rental assistance (HCV) or assistance in the GRHC's public housing program. Such a decision will be made by the GRHC based on the availability of tenant-based vouchers and/or vacancies in public housing units. Such families must be selected from the waiting list for the applicable program. The GRHC has adopted a waiting list preference for victims of domestic violence, dating violence, sexual assault, and stalking in both its HCV and public housing programs in order to expedite this process. See Section 4-III.C. of this administrative plan.

If a victim wishes to move after a year of occupancy in the unit, but no tenant-based vouchers are available, the GRHC will offer the participant an internal transfer to another PBV unit in the same development or a transfer to a different development where the GRHC has PBV units. The GRHC will expedite the administrative processes in this case in an effort to conduct the transfer as quickly as possible.

If no units are available for an internal transfer, or if there is reasonable cause to believe that such a transfer would put the victim in jeopardy, the participant may receive continued assistance through an external transfer to the GRHC's public housing program. The GRHC has adopted a waiting list preference for victims of domestic violence, dating violence, sexual assault, and stalking as part of the public housing ACOP in order to expedite this process.

18-VI.F. REEXAMINATIONS [*PBV Quick Reference Guide 10/14*]

A family living in a unit converted from public housing to RAD PBV may retain its certification date. Unless a family's annual reexamination is due at the same time as the effective date of the RAD PBV HAP contract, the GRHC does not need to recertify tenants at the point of conversion. For each family residing in a unit undergoing conversion of assistance under RAD, the administering GRHC will have to submit a form HUD-50058 reflecting the family's admission to the voucher program. The effective date of the new admission will be the same as the effective date of the RAD PBV HAP contract. The form should include the same information previously found on the public housing form 50058, including the next annual reexamination date.

18-VI.G. EARNED INCOME DISALLOWANCE [Notice PIH 2019-23]

Tenants who are employed and are currently receiving the EID exclusion at the time of conversion will continue to receive the EID after conversion, in accordance with regulations at 24 CFR 5.617. Upon the expiration of the EID for such families, the rent adjustment will not be subject to rent phase-in; instead, the rent will automatically rise to the appropriate rent level based upon tenant income at that time. Any non-RAD PBV units located in the same project are also subject to these requirements.

Under the HCV program, the EID exclusion is limited to only persons with disabilities [24 CFR 5.617(b)]. In order to allow all tenants (including non-disabled persons) who are employed and currently receiving the EID at the time of conversion to continue to benefit from this exclusion in the PBV project, the provision in section 5.617(b) limiting EID to only persons with disabilities is waived. The waiver and resulting alternative requirement only applies to tenants receiving the EID at the time of conversion. No other tenant, such as tenants who at one time received the EID but are not receiving the EID exclusion at the time of conversion (e.g., due to loss of

employment), tenants that move into the property following conversion, etc., is covered by this waiver.

18-VI.H. RESIDENTS' PROCEDURAL RIGHTS [Notice PIH 2019-23]

HUD is incorporating additional termination notification requirements for public housing projects that convert assistance under RAD to PBV and to non-RAD PBV units located in the same project beyond those for the standard PBV program. In addition to the regulations at 24 CFR 983.257 related to owner termination of tenancy and eviction (which MTW agencies may not alter), the termination procedure for RAD conversions to PBV requires that the GRHC provide adequate written notice of termination of the lease, which is:

- A reasonable period of time, but not to exceed 30 calendar days:
 - If the health or safety of other tenants, project owner employees, or persons residing in the immediate vicinity of the premises is threatened; or
 - In the event of any drug-related or violent criminal activity or any felony conviction.
- Not less than 14 calendar days in the case of nonpayment of rent
- Not less than 30 calendar days in any other case, except that if a state or local law provides for a shorter period of time, such shorter period will apply

18-VI.I. INFORMAL REVIEWS AND HEARINGS [Notice PIH 2019-23]

In addition to reasons for an informal hearing listed at 24 CFR 982.555(a)(1)(i)–(v) (See 16-III.C. Informal Hearings for Participants), an opportunity for an informal hearing must be given to residents for any dispute that a resident may have with respect to an owner action in accordance with the individual's lease or the contract administrator in accordance with RAD PBV requirements that adversely affect the resident's rights, obligations, welfare, or status.

- For any hearing required under 24 CFR 982.555(a)(1)(i)–(v), the contract administrator will perform the hearing in accordance with Chapter 16 Part III: Informal Reviews and Hearings, as is the current standard in the program.
- For any additional hearings required under RAD, the GRHC (as owner) will perform the hearing.

An informal hearing will not be required for class grievances or for disputes between residents not involving the GRHC (as owner) or contract administrator. This hearing requirement does not apply to and is not intended as a forum for initiating or negotiating policy changes between a group or groups of residents and the GRHC (as owner) or contract administrator.

The owner must give residents notice of their ability to request an informal hearing as outlined in 24 CFR 982.555(c)(1) for informal hearings that will address circumstances that fall outside of the scope of 24 CFR 982.555(a)(1)(i)–(v). (See Chapter 16)

The owner must provide an opportunity for an informal hearing before an eviction.

PART VII: DETERMINING CONTRACT RENT

18-VII.A. INITIAL CONTRACT RENTS [Notice PIH 2019-23]

RAD conversions are intended to be cost-neutral, and therefore, should not exceed current public housing funding as adjusted for unit size. Since public housing units do not currently have contract rents, HUD provides an estimate of current contract rents for each GRHC's public housing units based on current funding as adjusted by bedroom size. Current funding includes operating subsidy, tenant rents, capital funds, replacement housing factor funds (RHF), and demolition disposition transitional funding (DDTF). The funding may limit the amount of initial rent for a property. A detailed explanation of the determination of current funding may be found in Attachment 1C of Notice PIH 2019-23. Once the current funding amount is calculated, the amount is adjusted by bedroom size to determine the current funding rent. HUD uses the same bedroom adjustment factors as in the metropolitan FMR schedules where the project is located.

GRHCs may adjust subsidy (and contract rents) across multiple projects as long as the GRHC does not exceed the aggregate subsidy for all of the projects the GRHC has submitted for conversion under RAD.

Notwithstanding HUD's calculation of the initial contract rent based on the project's subsidy under the public housing program and any modifications made to the initial contract rent, the initial rents are set at the lower of:

- An amount determined by the GRHC, not to exceed 110 percent of the fair market rent (FMR) or the GRHC's exception payment standard approved by HUD, or the alternate rent cap in a GRHC's MTW agreement minus any utility allowance
- The reasonable rent
- The rent requested by the owner

18-VII.B. ADJUSTING CONTRACT RENTS [Notice PIH 2019-23; *PBV Quick Reference Guide 10/14*]

Contract rents will be adjusted annually only by HUD's operating cost adjustment factor (OCAF) at each anniversary of the HAP contract, subject to the availability of appropriations for each year of the contract term. As such, section 8(o)(13)(I) of the 1937 Act, and 24 CFR 983.301 and 983.302, concerning rent determinations, do not apply when adjusting rents. The rent to owner may at no time exceed the reasonable rent charged for comparable unassisted units in the private market, as determined by the contract administrator in accordance with 24 CFR 983.303.

Contract rents may not exceed the reasonable rent, with the exception that the contract rent for each unit may not be reduced below the initial contract rent under the initial HAP contract.

However, the rent to owner may fall below the initial contract rent in the following situations:

- To correct errors in calculations in accordance with HUD requirements
- If additional housing assistance has been combined with PBV assistance after the execution of the initial HAP contract and a rent decrease is required pursuant to 983.55 (prohibition of excess public assistance)

- If a decrease in rent to owner is required based on changes in the allocation of responsibility for utilities between the owner and the tenant

The contract rent adjustment will be the lesser of:

- The current contract rent increased by the operating cost adjustment factor (OCAF), which is published annually in the *Federal Register*; or
- The reasonable rent

The GRHC is responsible for processing rent adjustments, at each contract anniversary date, in accordance with the prevailing OCAF.

At least 120 days before the contract anniversary date, HUD recommends that the owner submit the OCAF rent adjustment worksheet (Form HUD-9625) to the GRHC. The GRHC will validate the data on the form and determine whether the rent exceeds the reasonable rent charged for comparable unassisted units in the private market, in accordance with 24 CFR 983.303. If rents would be unreasonable following application of the requested OCAF, then the rent can only be increased up to the reasonable rent. The approved rent adjustment will go into effect and the new rents to owner will take effect on the date of the contract anniversary.

Rent Decrease

Rents must not be reduced below the initial rent except to correct errors, for additional subsidy to the property, or to realign utility responsibilities.

18-VII.C. UTILITY ALLOWANCES [Notice PIH 2019-23; *PBV Quick Reference Guide* 10/14]

When contract rent amounts are set initially, the amount does not include a utility allowance. In general, the utility allowances that are used on the initial HAP contract at closing are the public housing utility allowances that are in effect prior to conversion. The CHAP must be updated prior to conversion to reflect current public housing utility allowances. At its discretion, a GRHC may use the FMRs and utility allowances in effect during the 30-day period immediately before the beginning date of the HAP contract.

After conversion, the GRHC may maintain a utility allowance schedule for tenant-paid utilities in accordance with standard PBV and HCV utility allowance regulations at 24 CFR 983.301(f)(2)(ii) and 24 CFR 982.517 respectively. The GRHC will use the HCV utility allowance schedule for the RAD PBV developments.

18-VII.D. REASONABLE RENT [24 CFR 983.303]

At the time the initial rent is established and all times during the term of the HAP contract, the rent to owner for a contract unit may not exceed the reasonable rent for the unit as determined by the GRHC, except rents must not be reduced below the initial rent except to correct errors, for additional subsidy to the property, or to realign utility responsibilities.

How to Determine Reasonable Rent

The reasonable rent of a unit receiving PBV assistance must be determined by comparison to rent for other comparable unassisted units. When making this determination, the GRHC will consider factors that affect market rent. Such factors include the location, quality, size, type and

age of the unit, as well as the amenities, housing services maintenance, and utilities to be provided by the owner.

Comparability Analysis

For each unit, the comparability analysis must use at least three comparable units in the private unassisted market. This may include units in the premises or project that is receiving project-based assistance. The analysis must show how the reasonable rent was determined, including major differences between the contract units and comparable unassisted units, and must be retained by the GRHC. The comparability analysis may be performed by GRHC staff or by another qualified person or entity. Those who conduct these analyses or are involved in determining the housing assistance payment based on the analyses may not have any direct or indirect interest in the property.

PART VIII: PAYMENTS TO OWNER

18-VIII.A. HOUSING ASSISTANCE PAYMENTS

During the term of the HAP contract, the PHA must make housing assistance payments to the owner in accordance with the terms of the HAP contract. During the term of the HAP contract, payments must be made for each month that a contract unit complies with HQS and is leased to and occupied by an eligible family. The housing assistance payment must be paid to the owner on or about the first day of the month for which payment is due, unless the owner and the PHA agree on a later date.

Except for discretionary vacancy payments, the PHA may not make any housing assistance payment to the owner for any month after the month when the family moves out of the unit (even if household goods or property are left in the unit).

The amount of the housing assistance payment by the PHA is the rent to owner minus the tenant rent (total tenant payment minus the utility allowance).

In order to receive housing assistance payments, the owner must comply with all provisions of the HAP contract. Unless the owner complies with all provisions of the HAP contract, the owner does not have a right to receive housing assistance payments.

18-VIII.B. VACANCY PAYMENTS [24 CFR 983.352]

If the GRHC determines that the owner is responsible for a vacancy and as a result is not entitled to the keep the housing assistance payment, the GRHC will notify the landlord of the amount of housing assistance payment that the owner must repay. The GRHC will require the owner to repay the amount owed in accordance with the policies in Section 16-IV.B.

If an owner's HAP contract calls for vacancy payments to be made, and the owner wishes to receive vacancy payments, the owner must have properly notified the PHA of the vacancy in accordance with the policy in Section 18-V.G. regarding filling vacancies.

In order for a vacancy payment request to be considered, it must be made within 10 business days of the end of the period for which the owner is requesting the vacancy payment. The request must include the required owner certifications that the vacancy is not due to their actions and the GRHC may require the owner to provide documentation to support the request. If the owner does not provide the information requested by the GRHC within 10 business days of the GRHC's request, no vacancy payments will be made.

18-VIII.C. TENANT RENT TO OWNER [24 CFR 983.353; Notice PIH 2019-23]

The tenant rent is the portion of the rent to owner paid by the family. The amount of tenant rent is determined by the GRHC in accordance with HUD requirements. Any changes in the amount of tenant rent will be effective on the date stated in the GRHC notice to the family and owner.

The family is responsible for paying the tenant rent (total tenant payment minus the utility allowance). The amount of the tenant rent determined by the GRHC is the maximum amount the owner may charge the family for rental of a contract unit. The tenant rent covers all housing services, maintenance, equipment, and utilities to be provided by the owner. The owner may not

demand or accept any rent payment from the tenant in excess of the tenant rent as determined by the GRHC. The owner must immediately return any excess payment to the tenant.

Initial Certifications [Notice PIH 2019-23]

For the initial certification, the GRHC will use the family's public housing tenant rent (reflected on line 10f of the family's most recent 50058) at the date of conversion to calculate HAP and tenant rent for the PBV program. The GRHC will use this amount until the effective date of the earlier of the family's first regular or interim recertification following the conversion. At that point, the GRHC will use the family's TTP based on the recertification and the applicable utility allowance (HCV or RAD PBV site-based, as applicable) to determine PBV HAP and tenant rent. Any non-RAD PBV units located in the same project are subject to the same requirements.

Tenant and PHA Responsibilities

The family is not responsible for the portion of rent to owner that is covered by the housing assistance payment and the owner may not terminate the tenancy of an assisted family for nonpayment by the GRHC.

Likewise, the GRHC is responsible only for making the housing assistance payment to the owner in accordance with the HAP contract. The GRHC is not responsible for paying tenant rent, or any other claim by the owner, including damage to the unit. The GRHC will not use housing assistance payments or other program funds (including administrative fee reserves) to pay any part of the tenant rent or other claim by the owner.

Utility Reimbursements

If the amount of the utility allowance exceeds the total tenant payment, the GRHC will pay the amount of such excess to the tenant as a reimbursement for tenant-paid utilities, and the tenant rent to the owner must be zero. The GRHC will make utility reimbursements directly to the family.

18-VIII.D. PHASE-IN OF TENANT RENT INCREASES [Notice PIH 2019-23]

For in-place tenants, if the amount the tenant would pay for rent and utilities (TTP) would increase by more than the greater of 10 percent or \$25 purely as a result of conversion, the rent increase will be phased in over three years. To implement this provision, HUD is waiving section 3(a)(1) of the 1937 Act, as well as 24 CFR 983.3 (definition of *total tenant payment (TTP)*) only to the extent necessary to allow for the phase-in of tenant rent increases. For families who were on EID at the time of conversion to RAD PBV, upon the expiration of the EID, the rent adjustment is not subject to rent phase-in.

The GRHC will use the family's public housing tenant rent (reflected on line 10f of the family's most recent 50058) at the date of conversion to calculate the family's tenant rent in PBV. The GRHC will implement a three-year phase-in for in-place families whose TTP increases by more than the greater of 10 percent or \$25 purely as a result of the conversion as follows:

- Year 1: Any recertification (interim or annual) performed prior to the second annual recertification after conversion: 33 percent of the difference between the most recently paid TTP and the calculated PBV TTP. (If the family was paying flat rent immediately prior to conversion, the GRHC will use the flat rent amount to calculate the phase-in for Year 1.)

- Year 2: Year 2 annual recertification (AR) and any interim recertification (IR): 50 percent of the difference between the most recently paid TTP and the calculated PBV TTP
- Year 3: Year 3 AR and all subsequent recertifications: Full calculated TTP

Once the standard TTP is equal to or less than the previous TTP, the phase-in ends and tenants will pay full TTP from that point forward. The GRHC will communicate the GRHC's phase-in policy in writing to the family at the time the GRHC first determines that the family qualifies for a rent phase-in. Any non-RAD PBV units located in the same project are also subject to rent phase-in requirements.

18.VIII.E. OTHER FEES AND CHARGES [24 CFR 983.354]

Meals and Supportive Services

With the exception of PBV assistance in assisted living developments, the owner may not require the tenant to pay charges for meals or supportive services. Non-payment of such charges is not grounds for termination of tenancy.

In assisted living developments receiving PBV assistance, the owner may charge for meals or supportive services. These charges may not be included in the rent to owner, nor may the value of meals and supportive services be included in the calculation of the reasonable rent. However, non-payment of such charges is grounds for termination of the lease by the owner in an assisted living development.

Other Charges by Owner

The owner may not charge extra amounts for items customarily included in rent in the locality or provided at no additional cost to unsubsidized tenants in the premises.

EXHIBIT 18-1: PBV DEVELOPMENT INFORMATION

(Fill out one for each development)

Date: [Enter the date on which this form was completed]

DEVELOPMENT INFORMATION

Development Name: [Insert name of PBV development]

Address: [Insert full address of PBV development]

Owner Information: [Insert PBV development owner name and contact information. If development is PHA-owned, enter “PHA-owned.”]

Property Management Company: [Insert property management company name and contact information, or enter “None”]

PHA-Owned: [Enter “Yes” or “No.” If yes, enter name of independent entity.]

Mixed-Finance Development: [Enter “Yes” or “No.” If yes, list other types of funding and units to which other funding applies.]

HAP CONTRACT

Closing Date: [Enter closing date of RAD conversion]

List Which RAD Notice Applies to the Project: [Enter “PIH 2012-32, REV-2,” “PIH 2012-32, REV-3,” or “PIH 2019-23”]

Effective Date of Contract: [Enter start date of HAP contract]

HOTMA Requirements: [If HAP contract was signed prior to April 18, 2017, enter “Pre-HOTMA.” If HAP contract was signed on or after April 18, 2017, enter “Post-HOTMA.”]

Term of HAP Contract: [Enter term from HAP contract]

Expiration Date of Contract: [Enter expiration date from HAP contract]

PBV UNITS

| | 0 BR | 1 BR | 2 BR | 3 BR | 4 BR | 5 BR | Total |
|-----------------------|------|------|------|------|------|------|-------|
| # of Units | | | | | | | |
| Initial Contract Rent | \$ | \$ | \$ | \$ | \$ | \$ | |

Unit Designation: [Enter “Fixed” or “Floating”]

Accessible Units and Features: [Identify which units are accessible and describe accessibility features or enter “None”]

Target Population: [Describe targeted population in accordance with HAP contract or enter “None”]

Excepted Units (Notice PIH 2012-32, REV-2 Developments Only): [Identify excepted unit types below or enter “None”]

Supportive Services: [Enter “Yes, see Exhibit D of HAP contract” or enter “No”]

Elderly Units: [Enter “Yes” or “No.” If yes, identify which units are elderly units.]

Disabled Units [Enter “Yes” or “No.” If yes, identify which units are for persons with disabilities.]

WAITING LIST AND SELECTION

Waiting List Type: [Enter “Site-based waiting list,” “Combined with HCV,” “Waiting list for entire PBV program,” or “Merged with another assisted housing program”]

Preferences: [Enter “Same as HCV; see Chapter 4” or describe preferences offered. If different from HCV, note in Section 18.1.C. of this policy.]

Preference Verification: [Enter “Same as HCV; see Chapter 7” or describe for each preference listed above. If different from HCV, note in Section 18.1.C. of this policy.]

For the PBV program, is the income limit the same as the HCV program? (Note: In mixed-finance developments, other income limits may also apply.) [Enter “Same as HCV; see Chapter 3” or clearly describe]

OCCUPANCY

Subsidy Standards: [Enter “Same as HCV; see Chapter 5” or describe. If different from HCV, note in Section 18.1.C. of this policy.]

Utilities: [Enter in accordance with HAP contract Exhibit C]

Vacancy Payments: [Enter in accordance with HAP contract Part 1, e, 2 and Section 18-IV.F. within this chapter]

Chapter 19

SPECIAL PURPOSE VOUCHERS

| | |
|---|----|
| INTRODUCTION | 3 |
| PART I: FAMILY UNIFICATION PROGRAM (FUP) | 4 |
| 19-I.A. PROGRAM OVERVIEW [Fact Sheet, Housing Choice Voucher Program Family Unification Program (FUP)] | 4 |
| 19-I.B. PUBLIC CHILD WELFARE AGENCY (PCWA) | 5 |
| 19-I.C. FUP FAMILY VOUCHER ELIGIBILITY CRITERIA | 5 |
| 19-I.D. FUP YOUTH VOUCHER ELIGIBILITY CRITERIA | 6 |
| 19-I.E. REFERRALS AND WAITING LIST MANAGEMENT | 8 |
| 19-I.F. PHA HCV ELIGIBILITY DETERMINATION | 8 |
| 19-I.H. TERMINATION OF ASSISTANCE | 9 |
| 19-I.I. FUP PORTABILITY | 10 |
| 19-I.J. PROJECT-BASING FUP VOUCHERS [Notice PIH 2017-21] | 10 |
| PART II: FOSTER YOUTH TO INDEPENDENCE INITIATIVE | 11 |
| 19-II.A. PROGRAM OVERVIEW [Notice PIH 2020-28] | 11 |
| 19-II.B. PARTNERING AGENCIES | 11 |
| 19-II.C. YOUTH ELIGIBILITY CRITERIA [Notice PIH 2020-28; FYI Q&As; FYI FAQs] | 11 |
| 19-II.D. SUPPORTIVE SERVICES | 12 |
| 19-II.E. REFERRALS AND WAITING LIST MANAGEMENT | 13 |
| 19-II.F. GRHC HCV ELIGIBILITY DETERMINATION [FYI FAQs] | 14 |
| 19-II.H. MAXIMUM ASSISTANCE PERIOD [Notice PIH 2020-28 and FYI FAQs] | 15 |
| 19-II.I. TERMINATION OF ASSISTANCE [FYI FAQs] | 15 |
| 19-II.J. PORTABILITY [FYI FAQs] | 15 |
| 19-II.K. PROJECT-BASING FYI VOUCHERS [FYI FAQs] | 16 |
| PART III: VETERANS AFFAIRS SUPPORTIVE HOUSING (VASH) PROGRAM | 17 |
| 19-III.A. OVERVIEW | 17 |
| 19-III.B. REFERRALS [FR Notice 3/23/12 and HUD-VASH Qs and As] | 18 |
| 19-III.C. HCV PROGRAM ELIGIBILITY [FR Notice 3/23/12] | 18 |
| 19-III.D. CHANGES IN FAMILY COMPOSITION | 20 |
| 19-III.E. LEASING [FR Notice 3/23/12] | 20 |
| 19-III.F. PORTABILITY [FR Notice 3/23/12 and Notice PIH 2011-53] | 21 |
| 19-III.G. TERMINATION OF ASSISTANCE [FR Notice 3/23/12] | 22 |
| 19-III.H. PROJECT-BASING VASH VOUCHERS | 22 |
| PART IV: MAINSTREAM VOUCHER PROGRAM | 24 |
| 19-IV.A. PROGRAM OVERVIEW [Notice PIH 2020-01] | 24 |
| 19-IV.B. ELIGIBLE POPULATION [Notice PIH 2020-01 and Notice PIH 2020-22] | 25 |
| 19-IV.C. PARTNERSHIP AND SUPPORTIVE SERVICES [Notice PIH 2020-01] | 25 |
| 19-IV.D. WAITING LIST ADMINISTRATION | 25 |
| 19-IV.E. PORTABILITY | 26 |
| 19-IV.F. PROJECT-BASING MAINSTREAM VOUCHERS [FY19 Mainstream Voucher NOFA Q&A] | 26 |
| PART IV: NON-ELDERLY DISABLED (NED) VOUCHERS | 27 |
| 19-V.A. PROGRAM OVERVIEW [Notice PIH 2013-19] | 27 |
| 19-V.B. ELIGIBLE POPULATION | 28 |

| | |
|---|----|
| 19-V.C. WAITING LIST | 29 |
| 19-V.D. LEASE UP [Notice PIH 2013-19]..... | 30 |
| PART VI: EMERGENCY HOUSING VOUCHERS (TEMPORARY) | 31 |
| PART VI-I. FUNDING | 32 |
| PART VI.II: PARTNERING AGENCIES | 37 |
| PART VI- III: WAITING LIST MANAGEMENT | 39 |
| PART IV: FAMILY ELIGIBLTY | 40 |
| PART VI-V: HOUSING SEARCH AND LEASING | 44 |
| PART VI: USE OF FUNDS, REPORTING, AND FINANCIAL RECORDS | 48 |

INTRODUCTION

Special purpose vouchers are specifically funded by Congress in separate appropriations from regular HCV program funding in order to target specific populations. Special purpose vouchers include vouchers for the following programs:

- Family Unification Program (FUP)
- Foster Youth to Independence (FYI) program
- Veterans Affairs Supportive Housing (VASH)
- Mainstream
- Non-Elderly Disabled (NED)
- Emergency Housing Vouchers (EHV)

This chapter describes HUD regulations and PHA policies for administering special purpose vouchers. The policies outlined in this chapter are organized into five sections, as follows:

Part I: Family Unification Program (FUP)

Part II: Foster Youth to Independence (FYI) program

Part III: Veterans Affairs Supportive Housing (VASH)

Part IV: Mainstream voucher program

Part V: Non-Elderly Disabled (NED) vouchers

Part VI: Emergency Housing Vouchers (EHV)

Except as addressed by this chapter and as required under federal statute and HUD requirements, the general requirements of the HCV program apply to special purpose vouchers.

PART I: FAMILY UNIFICATION PROGRAM (FUP)

19-I.A. PROGRAM OVERVIEW [Fact Sheet, Housing Choice Voucher Program Family Unification Program (FUP)]

The Family Unification Program (FUP) was authorized by Congress in 1990 to help preserve and reunify families. PHAs that administer the program provide vouchers to two different populations—FUP families and FUP youth.

Families eligible for FUP are families for whom the lack of adequate housing is a primary factor in:

- The imminent placement of the family's child or children in out-of-home care; or
- The delay in the discharge of the child or children to the family from out-of-home care.

There is no time limitation on FUP family vouchers, and the family retains their voucher as long as they are HCV-eligible. There is no requirement for the provision of supportive services for FUP family vouchers.

Youth eligible for FUP are those who:

- Are at least 18 years old and not more than 24 years of age;
- Have left foster care or will leave foster care within 90 days, in accordance with a transition plan described in section 475(5)(H) of the Social Security Act at age 16 and older; and
- Are homeless or at risk of becoming homeless.

FUP youth vouchers are limited by statute to 36 months of housing assistance. Supportive services must also be provided to FUP-eligible youth by the Public Child Welfare Agency (PCWA) or by another agency or organization under contract with the PCWA for at least 18 but up to 36 months.

PHAs that wish to administer FUP vouchers must apply to HUD by submitting an application under an active Notice of Funding Availability (NOFA). While the FUP program is administered in accordance with HCV regulations, the FUP NOFAs issued by HUD provide specific program information and requirements.

In order to administer the program, the PHA must also form a partnership with a local PCWA who is responsible for determining the family or youth meets FUP eligibility requirements and referring them to the PHA. Once the referral is received, the PHA is responsible for placing the FUP family or youth on the PHA's waiting list and determining whether they are eligible to receive assistance under the PHA's HCV program.

The GRHC does not currently administer FUP Vouchers.

Assigning Vouchers [FUP FAQs]

The PHA may, but is not required to, assign a specific number or percentage of FUP vouchers for FUP youths and FUP families. Unless the PHA assigns a specific number or percentage of FUP vouchers to a designated FUP population, the PHA must serve any referrals (youths or families) that meet all program eligibility requirements up to the PHA's designated FUP program size.

19-I.B. PUBLIC CHILD WELFARE AGENCY (PCWA)

Families and youth do not apply directly to the PHA for FUP vouchers. They are instead referred by a PCWA with whom the PHA has entered into a Memorandum of Understanding (MOU). The partnering PCWA initially determines whether the family or youth meets the FUP program eligibility requirements listed in 19-I.C. and 19-I.D. and then refers those families or youths to the PHA.

HUD strongly encourages PHAs and PCWAs to make decisions collaboratively on the administration of the program and to maintain open and continuous communication. The PCWA must have a system for identifying FUP-eligible youth within the agency's caseload and for reviewing referrals from a Continuum of Care (COC) if applicable.

19-I.C. FUP FAMILY VOUCHER ELIGIBILITY CRITERIA

FUP family assistance is reserved for eligible families that the PCWA has certified are a family for whom a lack of adequate housing is a primary factor in:

- The imminent placement of the family's child or children in out-of-home care, or
- The delay in the discharge of the child or children to the family from out-of-home care.

Lack of adequate housing means the family meets any one of the following conditions:

- Living in substandard housing, which refers to a unit that meets any one of the following conditions:
 - Does not have operable indoor plumbing
 - Does not have a usable flush toilet inside the unit for the exclusive use of a family or youth
 - Does not have a usable bathtub or shower inside the unit for the exclusive use of a family or youth
 - Does not have electricity, or has inadequate or unsafe electrical service
 - Does not have a safe or adequate source of heat
 - Should, but does not, have a kitchen
 - Has been declared unfit for habitation by an agency or unit of government, or in its present condition otherwise endangers the health, safety, or well-being of the family or youth
 - Has one or more critical defects, or a combination of intermediate defects in sufficient number or to the extent that it requires considerable repair or rebuilding. The defects may

result from original construction, from continued neglect or lack of repair, or from serious damage to the structure

- Being homeless as defined in 24 CFR 578.3
- Living in a unit where the presence of a household member with certain characteristics (i.e., conviction for certain criminal activities) would result in the imminent placement of the family's child or children in out-of-home care, or the delay in the discharge of the child or children to the family from out-of-home care
- Living in housing not accessible to the family's disabled child or children due to the nature of the disability
- Living in an overcrowded unit, which is defined as living in a unit where one of the following conditions has been met:
 - The family is separated from its child or children and the parents are living in an otherwise standard housing unit, but, after the family is reunited, the parents' housing unit would be overcrowded for the entire family and would be considered substandard; or
 - The family is living with its child or children in a unit that is overcrowded for the entire family and this overcrowded condition may result, in addition to other factors, in the imminent placement of its child or children in out-of-home care.
 - For purposes of this definition, the determination as to whether the unit is overcrowded is made in accordance with the PHA subsidy standards in Chapter 5, Part III of this policy.

Since HUD does not define *imminent placement*, the partnering PCWA may use its discretion to determine whether the potential out of home placement of the family's child or children is imminent [FUP FAQs].

19-I.D. FUP YOUTH VOUCHER ELIGIBILITY CRITERIA

While FUP family vouchers operate as regular HCVs after the family is referred from the PCWA, there are several aspects of the FUP youth vouchers that make them distinct from the FUP family vouchers and from regular HCVs.

Eligibility Criteria

An FUP-eligible youth is a youth the PCWA has certified:

- Is at least 18 years old and not more than 24 years of age (has not yet reached their 25th birthday);
 - The FUP youth must be no more than 24 years old at the time the PCWA certifies them as eligible and at the time of HAP contract execution.
- Has left foster care or will leave foster care within 90 days, in accordance with a transition plan described in section 475(5)(H) of the Social Security Act;
 - Foster care placement can include, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and pre-adoptive homes in accordance with 24 CFR 5.576.
- Is homeless or at risk of becoming homeless at age 16 or older;

- *At risk of being homeless* is fully defined at 24 CFR 576.2.
 - o This includes a person that is exiting a publicly funded institution, or system of care (such as a healthcare facility, a mental health facility, foster care or other youth facility, or correction program or institution).
 - o Therefore, youth being discharged from an institution may be eligible for a FUP voucher [FUP FAQs].
- Has an annual income at or below 30 percent of area median income; and
- Does not have sufficient resources or support networks (e.g., family, friends, faith-based or other social networks) immediately available to prevent them from moving to a supervised publicly or privately operated shelter designed to provide temporary living arrangements.

Maximum Assistance Period

Although there is no time limit on FUP family vouchers, FUP youth vouchers are limited by statute to 36 months of housing assistance. At the end of the statutory time period, assistance under the FUP youth voucher must be terminated. However, any period of time for which no subsidy (HAP) is being paid on behalf of the youth does not count toward the 36-month limitation.

For PHAs participating in the FUP Family Self Sufficiency (FSS) Demonstration, an exception to the 36-month limitation was granted. Participating PHAs must adopt a policy enabling an FUP youth voucher holder that agreed to sign an FSS Contract of Participation to remain on the program for the life of their contract [Notice PIH 2016-01].

Supportive Services

The PCWA must provide supportive services for at least 18 months to all FUP-eligible youth regardless of their age. The MOU between the PHA and the PCWA should identify the period of time in which supportive services will be provided—from a minimum of 18 months up to the full 36-month program maximum.

Supportive services may be provided to FUP-eligible youth by the PCWA or by another agency or organization under agreement or contract with the PCWA, including the PHA. The organization providing the services and resources must be identified in the MOU. The following services must be offered:

- Basic life skills information/counseling on money management, use of credit, housekeeping, proper nutrition/meal preparation; and access to health care (e.g., doctors, medication, and mental and behavioral health services);
- Counseling on compliance with rental lease requirements and with HCV program participant requirements, including assistance or referrals for assistance on security deposits, utility hook-up fees, and utility deposits;
- Providing such assurances to owners of rental property as are reasonable and necessary to assist an FUP-eligible youth to rent a unit with an FUP voucher;
- Job preparation and attainment counseling (where to look/how to apply, dress, grooming, relationships with supervisory personnel, etc.); and

- Educational and career advancement counseling regarding attainment of general equivalency diploma (GED); or attendance or financing of education at a technical school, trade school, or college, including successful work ethic and attitude models.

An FUP-eligible youth cannot be required to participate in these services as condition of receipt of the FUP voucher.

19-I.E. REFERRALS AND WAITING LIST MANAGEMENT

Referrals

The PCWA must establish and implement a system to identify FUP-eligible families and youths within the agency's caseload and make referrals to the PHA. The PCWA must certify that the FUP applicants they refer to the PHA meet FUP eligibility requirements. The PHA is not required to maintain full documentation that demonstrates the family's or youth's FUP eligibility as determined by the PCWA but should keep the referral or certification from the PCWA.

A PHA must serve any referrals (youths or families) that meet all program eligibility requirements. If a PHA determines that it has received a sufficient number of referrals from the PCWA so that the PHA will be able to lease all FUP vouchers awarded, the PHA may request that the PCWA suspend transmission of referrals. If the PHA determines that additional referrals will be needed after it has made such a request, the PHA may request that the PCWA resume transmission of referrals [Notice PIH 2011-52].

Waiting List Placement

A family that is already participating in the regular HCV program cannot be transferred to an FUP voucher.

Once a referral is made, the PHA must compare the list of PCWA referrals to its HCV waiting list to determine if any applicants on the PCWA's referral list are already on the PHA's HCV waiting list. Applicants already on the PHA's HCV waiting list retain the order of their position on the list. Applicants not already on the PHA's HCV waiting list must be placed on the HCV waiting list.

If the PHA's HCV waiting list is closed, the PHA must open its HCV waiting list in order to accept new FUP applicants. If necessary, the PHA may open its waiting list solely for FUP applicants, but this information must be included in the PHA's notice of opening its waiting list (see section 4-II.C., Opening and Closing the Waiting List of this administrative plan).

Waiting List Selection

The PHA selects FUP-eligible families or youths based on the PHA's regular HCV waiting list selection policies in Chapter 4, including any preferences that may apply.

19-I.F. PHA HCV ELIGIBILITY DETERMINATION

Once an FUP-eligible family or youth is selected from the HCV waiting list, the PHA must determine whether the family or youth meets HCV program eligibility requirements. Applicants must be eligible under both FUP family or youth eligibility requirements, as applicable, and HCV eligibility requirements as outlined in Chapter 3 of this policy.

The PCWA may, but is not obligated to, provide information to the PHA on the family's criminal history.

Additional FUP Eligibility Factors [FUP FAQs]

For FUP family vouchers, the family must remain FUP-eligible thorough lease-up.

- If, after a family is referred by the PCWA but prior to issuing a family FUP voucher, the PHA discovers that the lack of adequate housing is no longer a primary factor for the family not reunifying, the FUP voucher may not be issued to the family.
- Similarly, if the FUP voucher has already been issued before the PHA discovers that the reunification will not happen, but the family has not yet leased up under the voucher, the PHA must not execute the HAP contract, as the family is no longer FUP-eligible.

FUP-eligible youth must be no more than 24 years old both at the time of PCWA certification and at the time of the HAP execution. If a FUP youth is 24 at the time of PCWA certification but will turn 25 before the HAP contract is executed, the youth is no longer eligible for a FUP youth voucher.

19.I.G. LEASE UP

Once the PHA determines that the family or youth meets HCV eligibility requirements, the family or youth will be issued an FUP voucher in accordance with PHA policies.

Once the family or youth locate a unit, the PHA conducts all other processes relating to voucher issuance and administration per HCV program regulations and the PHA's policies (including, but not limited to: HQS inspection, determination of rent reasonableness, etc.).

19-I.H. TERMINATION OF ASSISTANCE

General Requirements

With the exception of terminations of assistance for FUP youth after 36 months of housing assistance, terminations of FUP assistance are handled in the same way as the regular HCV program. Termination of an FUP voucher must be consistent with regulations for termination in 24 CFR Part 982, Subpart L and be in compliance with PHA policies (Chapter 12).

If the person who qualifies for the FUP voucher passes away, the family retains the FUP voucher. In the case of an FUP-youth voucher, assistance will terminate after 36 months, even if the FUP-eligible youth is no longer included in the household.

If the person who qualifies for the FUP voucher moves, the remaining family members may keep the FUP voucher based on PHA policy (see administrative plan, Section 3-I.C., Family Breakup and Remaining Member of Tenant Family).

FUP Family Vouchers

If parents lose their parental rights or are separated from their children after voucher lease-up (or their children reach adulthood), the family is still eligible to keep their FUP assistance, as the regulations do not permit HCV termination for a family losing parental rights or the children reaching adulthood. However, the PHA may transfer the assistance of a FUP family voucher holder to regular HCV assistance if there are no longer children in the household.

FUP Youth Vouchers

A PHA cannot terminate a FUP youth's assistance for noncompliance with PCWA case management, nor may the PHA terminate assistance for an FUP youth for not accepting services from the PCWA.

The PHA may not transfer the assistance of an FUP youth voucher holder to regular HCV assistance upon the expiration of the 36-month limit on assistance. However, the PHA may issue a regular HCV to FUP youth if they were selected from the waiting list in accordance with PHA policies and may also adopt a preference for FUP youth voucher holders who are being terminated for this reason.

Upon the expiration of the 36-month limit on assistance, an FUP youth voucher holder who has children and who lacks adequate housing may qualify for an FUP family voucher provided they are referred by the PCWA as an eligible family and meet the eligibility requirements for the PHA's HCV program.

9-I.I. FUP PORTABILITY

Portability for a FUP family or youth is handled in the same way as for a regular HCV family. A PHA may not restrict or deny portability for an FUP family or youth for reasons other than those specified in the HCV program regulations, as reflected in Chapter 10 of the administrative plan.

An FUP family or youth does not have to port to a jurisdiction that administers FUP.

If the receiving PHA administers the FUP voucher on behalf of the initial PHA, the voucher is still considered an FUP voucher regardless of whether the receiving PHA has a FUP program.

If the receiving PHA absorbs the voucher, the receiving PHA may absorb the incoming port into its FUP program (if it has one) or into its regular HCV program (if the receiving PHA has vouchers available to do so) and the family or youth become regular HCV participants. In either case, when the receiving PHA absorbs the voucher, an FUP voucher becomes available to the initial PHA.

Considerations for FUP Youth Vouchers

If the voucher is an FUP youth voucher and remains such upon lease-up in the receiving PHA's jurisdiction, termination of assistance must still take place once the youth has received 36 months of assistance. Any time period during which no subsidy was paid on behalf of the youth does not count under the 36-month limitation. If the receiving PHA is administering the FUP youth voucher on behalf of the initial PHA, the two PHAs must work together to initiate termination upon expiration of the 36-month limit.

19-I.J. PROJECT-BASING FUP VOUCHERS [Notice PIH 2017-21]

The PHA may project-base FUP vouchers without HUD approval in accordance with Notice PIH 2017-21 and all statutory and regulatory requirements for the PBV program. Project-based FUP vouchers are subject to the PBV program percentage limitation discussed in Section 17-I.A.

The PHA may limit PBVs to one category of FUP-eligible participants (families or youth) or a combination of the two.

PART II: FOSTER YOUTH TO INDEPENDENCE INITIATIVE

19-II.A. PROGRAM OVERVIEW [Notice PIH 2020-28]

The Foster Youth to Independence (FYI) initiative was announced in 2019. The FYI initiative allows the GRHC who partner with a Public Child Welfare Agency (PCWA) to request targeted HCVs to serve eligible youth with a history of child welfare involvement that are homeless or at risk of being homeless. Rental assistance and supportive services are provided to qualified youth for a period of up to 36 months.

The program was initially only available to PHAs that did not administer FUP vouchers but has since been expanded to all PHAs with an HCV Annual Contributions Contract (ACC). Funding is available either competitively through an FYI NOFA or noncompetitively on a rolling basis in accordance with the application requirements outlined in Notice PIH 2020-28. Under the noncompetitive process, PHAs are limited to 25 vouchers in a fiscal year with the ability to request an additional 25 vouchers for those PHAs with 90 percent or greater utilization of these vouchers. For competitive awards, the number of vouchers is dependent on PHA program size and need.

19-II.B. PARTNERING AGENCIES [Notice PIH 2020-28; FYI Updates and Partnering Opportunities Webinar]

Public Child Welfare Agency (PCWA)

The GRHC has entered into a partnership agreement with a PCWA in the GRHC's jurisdiction in the form of a Memorandum of Understanding (MOU) or letter of intent. The GRHC has implemented a Foster Youth to Independence (FYI) program in partnership with the Department of Health and Human Services (HHS) of Kent County, MI.

The PCWA is responsible for:

- Identifying FYI-eligible youth;
- Developing a system of prioritization based on the level of need of the youth and the appropriateness of intervention;
- Providing a written certification to the GRHC that the youth is eligible; and
- Providing or securing supportive services for 36 months.

Continuum of Care (CoC) and Other Partners

In addition to the HHS, the GRHC will implement the FYI program in partnership with the local CoC, and additional partners, as applicable.

19-II.C. YOUTH ELIGIBILITY CRITERIA [Notice PIH 2020-28; FYI Q&As; FYI FAQs]

The PCWA is responsible for certifying that the youth has prior qualifying foster care involvement. As determined by the PCWA, eligible youth:

- Are at least 18 years of age and not more than 24 years of age (have not yet reached their 25th birthday);

- Youth must be no more than 24 years of age at the time the PCWA certifies them as eligible and at the time of HAP contract execution.
- Have left foster care or will leave foster care within 90 days, in accordance with a transition plan described in section 475(5)(H) of the Social Security Act;
 - Placements can include, but are not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and pre-adoptive homes in accordance with 24 CFR 5.576;
- Are homeless or at risk of becoming homeless at age 16 and older;
 - *At risk of being homeless* is fully defined at 24 CFR 576.2.
 - o This includes a person that is exiting a publicly funded institution, or system of care (such as a healthcare facility, a mental health facility, foster care or other youth facility, or correction program or institution). Therefore, youth being discharged from an institution may be eligible for an FUP voucher [FUP FAQs].

Eligibility is not limited to single persons. For example, pregnant and/or parenting youth are eligible to receive assistance assuming they otherwise meet eligibility requirements.

19-II.D. SUPPORTIVE SERVICES [Notice PIH 2020-28; FYI Updates and Partnering Opportunities Webinar; FYI Q&As]

Supportive services may be provided by the GRHC, PCWA or a third party. The PCWA must provide or secure a commitment to provide supportive services for participating youth for a period of 36 months. At a minimum, the following supportive services must be offered:

- Basic life skills information/counseling on money management, use of credit, housekeeping, proper nutrition/meal preparation, and access to health care (e.g., doctors, medication, and mental and behavioral health services);
- Counseling on compliance with rental lease requirements and with HCV program participant requirements, including assistance/referrals for assistance on security deposits, utility hook-up fees, and utility deposits;
- Providing such assurances to owners of rental property as are reasonable and necessary to assist eligible youth to rent a unit with a voucher;
- Job preparation and attainment counseling (where to look/how to apply, dress, grooming, relationships with supervisory personnel, etc.); and
- Educational and career advancement counseling regarding attainment of general equivalency diploma (GED) or attendance/financing of education at a technical school, trade school, or college, including successful work ethic and attitude models.

The GRHC will work with partnering agencies to provide supportive services and may offer supportive services through the GRHC Envision Center, as future programs are developed.

Since participation in supportive services is optional, but strongly encouraged, an FYI participant may decline supportive service.

19-II.E. REFERRALS AND WAITING LIST MANAGEMENT [Notice PIH 2020-28; FYI Updates and Partnering Opportunities Webinar FYI FAQs]

Referrals

The PCWA is responsible for certifying that the youth has prior qualifying foster care involvement. Once the PCWA sends the PHA the referral certifying the youth is program-eligible, the GRHC determines HCV eligibility.

The PCWA must have a system for identifying eligible youth within the agency's caseload and reviewing referrals from other partners, as applicable. The PCWA must also have a system for prioritization of referrals to ensure that youth are prioritized for an FYI voucher based upon their level of need and appropriateness of the intervention.

Referrals may come from other organizations in the community who work with the population, but the PCWA must certify that the youth meets eligibility requirements, unless the PCWA has vested another organization with this authority.

The GRHC is not required to maintain full documentation that demonstrates the youth's eligibility as determined by the PCWA but should keep the referral or certification from the PCWA. The PCWA is not required to provide the PHA with HCV eligibility documents.

The GRHC and HHS have identified staff positions to serve as lead FYI liaisons. These positions will be responsible for transmission and acceptance of referrals. The HHS must commit sufficient staff and resources to ensure eligible youths are identified, prioritized, and determined eligible in a timely manner.

When vouchers are available, the GRHC liaison responsible for acceptance of referrals will contact the PCWA liaison via email indicating the number of vouchers available and requesting an appropriate number of referrals. No more than 15 calendar days from the date the HHS receives this notification, the HHS liaison must provide the GRHC with a list of eligible referrals, a completed release form, and a written certification for each referral indicating the referral is eligible. The list will include the name, address, and contact phone number for each adult individual who is being referred.

The GRHC will maintain a copy of each certification from the HHS in the participant's file.

Waiting List Placement [Notice PIH 2020-28 and FYI FAQs]

The GRHC will use the HCV waiting list for the FYI program. Youth already on the HCV program may not be transferred to an FYI voucher since they are not homeless or at-risk of homelessness.

Once a referral is made, the GRHC will compare the list of PCWA referrals to its HCV waiting list to determine if any applicants on the PCWA's referral list are already on the GRHC's HCV waiting list. Applicants already on the GRHC's HCV waiting list retain the order of their position on the list. Applicants not already on the GRHC's HCV waiting list must be placed on the HCV waiting list.

If the GRHC's HCV waiting list is closed, the GRHC will open its HCV waiting list in order to accept new referrals. If necessary, the GRHC may open its waiting list solely for referrals, but this information must be included in the GRHC's notice of opening its waiting list (see section 4-II.C., Opening and Closing the Waiting List of this administrative plan).

Within 15 calendar days of receiving the referral from the HHS, the GRHC will review the HCV waiting list and will send the HHS a list confirming whether referrals are on the waiting list.

- Referrals who are already on the list will retain their position and the list will be notated to indicate the applicant is FYI-eligible.
- For those referrals not already on the waiting list, the GRHC will work with the HHS to ensure they receive and successfully complete a pre-application or application, as applicable. Once the pre-application or application has been completed, the PHA will place the referral on the HCV waiting list with the date and time of the original referral and an indication that the referral is FYI-eligible.

Waiting List Selection

The GRHC selects eligible youths based on the GRHC's regular HCV waiting list selection policies in Chapter 4, including any preferences that may apply.

19-II.F. GRHC HCV ELIGIBILITY DETERMINATION [FYI FAQs]

Once an eligible youth is selected from the HCV waiting list, the GRHC will determine whether the youth meets HCV program eligibility requirements. Applicants must be eligible under both FYI eligibility requirements and HCV eligibility requirements as outlined in Chapter 3 of this policy.

The PCWA may, but is not obligated to, provide information to the GRHC on the youth's criminal history.

Subject to privacy laws, the HHS will provide any available information regarding the applicant's criminal history to the GRHC.

The GRHC will consider the information in making its eligibility determination in accordance with the GRHC's policies in Chapter 3, Part III.

Additional Eligibility Factors

Youth must be no more than 24 years old both at the time of PCWA certification and at the time of the HAP execution. If a youth is 24 at the time of PCWA certification but will turn 25 before the HAP contract is executed, the youth is no longer eligible for a FYI voucher.

Any applicant that does not meet the eligibility criteria for the HCV program listed in Chapter 3 or any eligibility criteria listed in this section will be notified by the GRHC in writing following policies in Section 3-III.F, including stating the reasons the applicant was found ineligible and providing an opportunity for an informal review.

19-II.G. LEASE UP

Once the GRHC determines that the family or youth meets HCV eligibility requirements, the youth will be issued an FYI voucher in accordance with GRHC policies.

Eligible applicants will be notified by the GRHC in writing following policies in Section 3-III.F. of this policy. FYI youth will be briefed individually. The GRHC will provide all aspects of the written and oral briefing as outlined in Part I of Chapter 5 but will also provide an explanation of the time limit on FYI vouchers as well as discussing supportive services offered by the partnering agency.

Vouchers will be issued in accordance with GRHC policies in Chapter 5, Part II, except that the PHA will consider one additional 30-day extension beyond the first automatic extension for any reason, not just those listed in the policy in Section 5-II.E.

Once the youth locates a unit, the GRHC conducts all other processes relating to voucher issuance and administration per HCV program regulations and the GRHC policy in Chapter 9.

Turnover [FYI FAQs]

For PHAs awarded FYI Tenant Protection Vouchers (TPVs) under Notice PIH 2019-20 where the recipient of the FYI TPV leaves the program, the PHA may request an FYI voucher under the requirements of Notice PIH 2020-28.

For PHAs awarded FYI vouchers under Notice PIH 2020-28 where the recipient of the FYI voucher leaves the program, the PHA must continue to use the FYI voucher for eligible youth upon turnover. Where there are more eligible youth than available FYI turnover vouchers, the PHA may request an FYI voucher under the requirements of Notice PIH 2020-28.

19-II.H. MAXIMUM ASSISTANCE PERIOD [Notice PIH 2020-28 and FYI FAQs]

Vouchers are limited by statute to a total of 36 months of housing assistance. At the end of the statutory time period, assistance must be terminated. However, any period of time for which no subsidy (HAP) is being paid on behalf of the youth does not count toward the 36-month limitation. It is not permissible to reissue another FYI TPV to the same youth upon expiration of their 36 months of FYI assistance.

Participants do not “age out” of the program. A participant may continue with the program until they have received 36 months of assistance. Age limits are only applied for entry into the program.

19-II.I. TERMINATION OF ASSISTANCE [FYI FAQs]

Termination of a FYI voucher is handled in the same way as with any HCV; therefore, termination of a FYI voucher must be consistent with HCV regulations at 24 CFR Part 982, Subpart L and GRHC policies in Chapter 12. Given the statutory time limit that requires FYI vouchers sunset after 36 months, the GRHC will terminate the youth’s assistance once the 36-month limit on assistance has expired.

The GRHC will not terminate a FYI youth’s assistance for noncompliance with PCWA case management, nor will the GRHC terminate assistance for a FYI youth for not accepting services from the PCWA.

The GRHC will not transfer the assistance of FYI voucher holders to regular HCV assistance upon the expiration of the 36-month limit on assistance. However, the GRHC may issue a regular HCV to FYI voucher holders if they were selected from the waiting list in accordance with GRHC policies. The GRHC will provide a selection preference on the GRHC’s HCV waiting list for FYI voucher holders who are terminated due to the 36-month limit on assistance.

19-II.J. PORTABILITY [FYI FAQs]

Portability for an FYI youth is handled in the same way as for a regular HCV family. The GRHC will not restrict or deny portability for an FYI youth for reasons other than those specified in the HCV program regulations, as reflected in Chapter 10 of the administrative plan.

An FYI youth does not have to port to a jurisdiction that administers FYI vouchers.

If the receiving PHA absorbs the voucher, the PHA may absorb the youth into its regular HCV program if it has vouchers available to do so. If the receiving PHA absorbs the youth into its regular HCV program, that youth becomes a regular HCV participant with none of the limitations of an FYI voucher.

The initial and receiving PHA must work together to initiate termination of assistance upon expiration of the 36-month limit.

19-IL.K. PROJECT-BASING FYI VOUCHERS [FYI FAQs]

The GRHC may project-base certain FYI vouchers without HUD approval in accordance with all applicable PBV regulations and GRHC policies in Chapter 17. This includes FYI vouchers awarded under Notice PIH 2020-28. Assistance awarded under Notice PIH 2019-20 is prohibited from being project-based.

PART III: VETERANS AFFAIRS SUPPORTIVE HOUSING (VASH) PROGRAM

19-III.A. OVERVIEW

Since 2008, HCV program funding has provided rental assistance under a supportive housing program for homeless veterans. The Veterans Affairs Supportive Housing (VASH) program combines HCV rental assistance with case management and clinical services provided by the Department of Veterans Affairs (VA) at VA medical centers (VAMCs) and Community-Based Outpatient Clinics (CBOCs). Eligible families are homeless veterans and their families that agree to participate in VA case management and are referred to the VAMC's partner GRHC for HCV assistance. The VAMC or CBOC's responsibilities include:

- Screening homeless veterans to determine whether they meet VASH program participation criteria;
- Referring homeless veterans to the GRHC;
 - The term *homeless veteran* means a veteran who is homeless (as that term is defined in subsection (a) or (b) of Section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302)). See 38 U.S.C. 2002.
- Providing appropriate treatment and supportive services to potential VASH participants, if needed, prior to GRHC issuance of a voucher;
- Providing housing search assistance to VASH participants;
- Identifying the social service and medical needs of VASH participants, and providing or ensuring the provision of regular ongoing case management, outpatient health services, hospitalization, and other supportive services as needed throughout the veterans' participation period; and
- Maintaining records and providing information for evaluation purposes, as required by HUD and the VA.

VASH vouchers are awarded noncompetitively based on geographic need and PHA administrative performance. Eligible PHAs must be located within the jurisdiction of a VAMC and in an area of high need based on data compiled by HUD and the VA. When Congress funds a new allocation of VASH vouchers, HUD invites eligible PHAs to apply for a specified number of vouchers.

Generally, the HUD-VASH program is administered in accordance with regular HCV program requirements. However, HUD is authorized to waive or specify alternative requirements to allow PHAs to effectively deliver and administer VASH assistance. Alternative requirements are established in the HUD-VASH Operating Requirements, which were originally published in the Federal Register on May 6, 2008, and updated March 23, 2012. Unless expressly waived by HUD, all regulatory requirements and HUD directives regarding the HCV program are applicable to VASH vouchers, including the use of all HUD-required contracts and other forms, and all civil rights and fair housing requirements. In addition, the PHA may request additional statutory or regulatory waivers that it determines are necessary for the effective delivery and administration of the program.

The VASH program is administered in accordance with applicable Fair Housing requirements since civil rights requirements cannot be waived under the program. These include applicable authorities under 24 CFR 5.105(a) and 24 CFR 982.53 including, but not limited to, the Fair Housing Act, Section 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964, the Americans with Disabilities Act, and the Age Discrimination Act and all GRHC policies as outlined in Chapter 2 of this document.

When HUD-VASH recipients include veterans with disabilities or family members with disabilities, reasonable accommodation requirements in Part II of Chapter 2 of this policy apply.

19-III.B. REFERRALS [FR Notice 3/23/12 and HUD-VASH Qs and As]

VAMC case managers will screen all families in accordance with VA screening criteria and refer eligible families to the GRHC for determination of program eligibility and voucher issuance. The GRHC has no role in determining or verifying the veteran's eligibility under VA screening criteria, including determining the veteran's homelessness status. The GRHC will accept referrals from the partnering VAMC and must maintain written documentation of referrals in VASH tenant files. Upon turnover, VASH vouchers must be issued to eligible veteran families as identified by the VAMC.

In order to expedite the screening process, the GRHC will provide all forms and a list of documents required for the VASH application to the Grand Rapids Veterans Affairs Medical Center (VAMC). Case managers will work with veterans to fill out the forms and compile all documents prior to meeting with the GRHC and submitting an application. When feasible, the VAMC case manager should email or fax copies of all documents to the GRHC prior to the meeting in order to allow the GRHC time to review them and start a file for the veteran.

After the VAMC has given the GRHC a complete referral, the GRHC will perform an eligibility screening within seven (7) calendar days of receipt of a VAMC referral.

19-III.C. HCV PROGRAM ELIGIBILITY [FR Notice 3/23/12]

Eligible participants are homeless veterans and their families who agree to participate in case management from the VAMC.

- A *VASH Veteran* or *veteran family* refers to either a single veteran or a veteran with a household composed of two or more related persons. It also includes one or more eligible persons living with the veteran who are determined to be important to the veteran's care or well-being.
- A veteran for the purpose of VASH is a person whose length of service meets statutory requirements, and who served in the active military, naval, or air service, was discharged or released under conditions other than dishonorable, and is eligible for VA health care.

Under VASH, the GRHC does not have authority to determine family eligibility in accordance with HCV program rules and PHA policies. The only reasons for denial of assistance by the GRHC are failure to meet the income eligibility requirements and/or that a family member is subject to a lifetime registration requirement under a state sex offender registration program. Under portability, the receiving PHA must also comply with these VASH screening requirements.

Social Security Numbers

When verifying Social Security numbers (SSNs) for homeless veterans and their family members, an original document issued by a federal or state government agency, which contains the name and SSN of the individual along with other identifying information of the individual, is acceptable in accordance with Section 7-II.B. of this policy.

In the case of the homeless veteran, the GRHC will accept the Certificate of Release or Discharge from Active Duty (DD-214) or the VA-verified Application for Health Benefits (10-10EZ) as verification of SSN and cannot require the veteran to provide a Social Security card. A VA-issued identification card may also be used to verify the SSN of a homeless veteran.

Proof of Age

The DD-214 or 10-10EZ must be accepted as proof of age in lieu of birth certificates or other GRHC-required documentation as outlined in Section 7-II.C. of this policy. A VA-issued identification card may also be used to verify the age of a homeless veteran.

Photo Identification

A VA-issued identification card must be accepted in lieu of another type of government-issued photo identification.

Income Eligibility

The GRHC must determine income eligibility for VASH families in accordance with 24 CFR 982.201 and policies in Section 3-II.A. If the family is over-income based on the most recently published income limits for the family size, the family will be ineligible for HCV assistance.

While income-targeting requirements will not be considered by the GRHC when families are referred by the partnering VAMC, the GRHC will not include any extremely low-income VASH families that are admitted in its income targeting numbers for the fiscal year in which these families are admitted.

Screening

The GRHC will not screen any potentially eligible family members or deny assistance for any grounds permitted under 24 CFR 982.552 and 982.553 with one exception: the GRHC is still required to prohibit admission if any member of the household is subject to a lifetime registration requirement under a state sex offender registration program. Accordingly, with the exception of denial for registration as a lifetime sex offender under state law and PHA policies on how sex offender screenings will be conducted, GRHC policy in Sections 3-III.B. through 3-III.E. do not apply to VASH. The prohibition against screening families for anything other than lifetime sex offender status applies to all family members, not just the veteran.

Denial of Assistance [Notice PIH 2008-37]

Once a veteran is referred by the VAMC, the GRHC will either issue a voucher or deny assistance. If the GRHC denies assistance, it must provide the family with prompt notice of the decision and a brief statement of the reason for denial in accordance with Section 3-III.F. Like in the standard HCV program, the family must be provided with the opportunity for an informal review in accordance with policies in Section 3-III.F. In addition, a copy of the denial notice must be sent to the VAMC case manager.

19-III.D. CHANGES IN FAMILY COMPOSITION

Adding Family Members [FR Notice 3/23/12]

When adding a family member after the family has been admitted to the program, GRHC policies in Section 3-II.B. apply. Other than the birth, adoption, or court-awarded custody of a child, the GRHC will approve additional family members and will apply its regular screening criteria in doing so.

Remaining Family Members [HUD-VASH Qs and As]

If the homeless veteran dies while the family is being assisted, the voucher would remain with the remaining members of the tenant family. The GRHC will use one of its own regular vouchers, if available, to continue assisting this family and free up a VASH voucher for another VASH-eligible family. If a regular voucher is not available, the family would continue utilizing the VASH voucher. Once the VASH voucher turns over, however, it must go to a homeless veteran family.

Family Break Up [HUD-VASH Qs and As]

In the case of divorce or separation, since the set-aside of VASH vouchers is for veterans, the voucher must remain with the veteran. This overrides the PHA's policies in Section 3-I.C. on how to determine who remains in the program if a family breaks up.

19-III.E. LEASING [FR Notice 3/23/12]

Waiting List

The GRHC does not have the authority to maintain a waiting list or apply local preferences for HUD-VASH vouchers. Policies in Chapter 4 relating to applicant selection from the waiting list, local preferences, special admissions, cross-listing, and opening and closing the waiting list do not apply to VASH vouchers.

Voucher Issuance

All VASH vouchers will have an initial term of 120 calendar days.

The family must submit a Request for Tenancy Approval and proposed lease within the 120-day period unless the PHA grants an extension.

The GRHC will track issuance of HCVs for families referred by the VAMC or CBOC in PIC as required in Notice PIH 2011-53.

Initial Lease Term

Unlike in the standard the HCV program, VASH voucher holders may enter into an initial lease that is for less than 12 months. Accordingly, GRHC policy in Section 9-I.E., Term of Assisted Tenancy, does not apply.

Ineligible Housing [FR Notice 6/18/14]

Unlike in the standard HCV program, VASH families are permitted to live on the grounds of a VA facility in units developed to house homeless veterans. Therefore, 24 CFR 982.352(a)(5) and 983.53(a)(2), which prohibit units on the physical grounds of a medical, mental, or similar public or private institution, do not apply to VASH for this purpose only. Accordingly, GRHC policy in 9-I.D., Ineligible Units, does not apply for this purpose only.

HQS Pre-Inspections

To expedite the leasing process, the GRHC will pre-inspect available units that veterans may be interested in leasing to maintain a pool of eligible units. If a VASH family selects a unit that passed a HQS pre-inspection (without intervening occupancy) within 45 days of the date of the RTA, the unit may be approved provided that it meets all other conditions under 24 CFR 982.305. The veteran will be free to select his or her unit.

When a pre-inspected unit is not selected, the GRHC will make every effort to fast-track the inspection process, including adjusting the normal inspection schedule for both initial and any required reinspections.

19-III.F. PORTABILITY [FR Notice 3/23/12 and Notice PIH 2011-53]

General Requirements

Portability policies under VASH depend on whether the family wants to move within or outside of the initial VA facility's catchment area (the area in which the VAMC or CBOC operates). In all cases, the initial VA facility must be consulted prior to the move and provide written confirmation that case management will continue to be provided in the family's new location. VASH participant families may only reside in jurisdictions that are accessible to case management services, as determined by case managers at the partnering VAMC or CBOC.

Under VASH, applicant families may move under portability even if the family did not have legal residency in the jurisdiction of the initial GRHC when they applied. As a result, GRHC policies in Section 10-II.B. about nonresident applicants do not apply.

If the family no longer requires case management, there are no portability restrictions. Normal portability rules apply.

Portability within the Initial VAMC's Catchment Area

A VASH family can move within the VAMC's catchment area as long as case management can still be provided, as determined by the VA. If the initial PHA's partnering VAMC will still provide the case management services, the receiving PHA must process the move in accordance with portability procedures:

- If the receiving PHA has been awarded VASH vouchers, it can choose to either bill the initial PHA or absorb the family if it has a VASH voucher available to do so.
 - If the PHA absorbs the family, the VAMC or CBOC providing the initial case management must agree to the absorption and the transfer of case management.
- If the receiving PHA does not administer a VASH program, it must always bill the initial PHA.

Portability Outside of the Initial VAMC's Catchment Area

If a family wants to move to another jurisdiction where it will not be possible for the initial PHA's partnering VAMC or CBOC to provide case management services, the initial VAMC must first confirm that the new VAMC has an available VASH case management slot and the new VAMC's partner PHA has an available VASH voucher.

After acceptance of the veteran by the new VAMC, the new VAMC will refer the veteran to its partner PHA. In these cases, the family must be absorbed by the receiving PHA either as a new admission or as a portability move-in, as applicable. Upon absorption, the initial PHA's VASH voucher will be available to lease to a new VASH-eligible family, and the absorbed family will count toward the number of VASH slots awarded to the receiving PHA.

19-III.G. TERMINATION OF ASSISTANCE [FR Notice 3/23/12]

VASH participant families may not be terminated after admission for a circumstance or activities that occurred prior to admission and were known to the GRHC but could not be considered at the time of admission due to VASH program requirements. The GRHC may terminate the family's assistance only for program violations that occur after the family's admission to the program.

Cessation of Case Management

As a condition of receiving HCV rental assistance, a HUD-VASH-eligible family must receive case management services from the VAMC or CBOC. A VASH participant family's assistance must be terminated for failure to participate, without good cause, in case management as verified by the VAMC or CBOC.

However, a VAMC or CBOC determination that the participant family no longer requires case management is not grounds for termination of assistance and the family is still eligible for assistance under the HCV program. In such a case, at its option, the GRHC may offer the family continued HCV assistance through one of its regular vouchers. If the GRHC has no voucher to offer, the family will retain its VASH voucher until such time as the GRHC has an available voucher for the family.

VAWA [HUD VASH Qs and As and Notice PIH 2017-08]

When a veteran's family member is receiving protection under VAWA because the veteran is the perpetrator of domestic violence, dating violence, sexual assault, or stalking, the victim must continue to be assisted. Upon termination of the perpetrator's VASH assistance, the victim should be given a regular HCV if one is available, and the perpetrator's VASH voucher should be used to serve another eligible veteran family. If a regular HCV is not available, the victim will continue to use the VASH voucher even after the perpetrator's assistance is terminated.

19-III.H. PROJECT-BASING VASH VOUCHERS

General Requirements [Notice PIH 2017-21]

The GRHC may administer project-based VASH vouchers under two circumstances. First, PHAs are authorized to project-base their tenant-based VASH vouchers without additional HUD review or approval in accordance with Notice PIH 2017-21 and all PBV program requirements provided that the VAMC will continue to make supportive services available. Second, since 2010, HUD has awarded VASH vouchers specifically for project-based assistance in the form of PBV HUD-VASH set-aside vouchers. While these vouchers are excluded from the PBV program cap as long as they remain under PBV HAP contract at the designated project, all other VASH vouchers are subject to the PBV program percentage limitation discussed in Section 17-I.A.

If the GRHC project-bases VASH vouchers, the GRHC will retain documentation of the partnering VAMC's support. Policies for VASH PBV units will generally follow GRHC policies

for the standard PBV program as listed in Chapter 17, with the exception of the moves policy listed below.

Moves [HUD-VASH Qs and As]

When a VASH PBV family is eligible to move from its PBV unit in accordance with Section 17-VIII.C. of this policy, but there is no other comparable tenant-based rental assistance, the following procedures must be implemented:

- If a VASH tenant-based voucher is not available at the time the family wants (and is eligible) to move, the GRHC may require the family to wait for a VASH tenant-based voucher for a period not to exceed 180 days;
- If a VASH tenant-based voucher is still not available after that period, the family must be allowed to move with its VASH voucher, and the GRHC is required to replace the assistance in the PBV unit with one of its regular vouchers, unless the GRHC and owner agree to remove the unit from the HAP contract; and
- If after 180 days, a VASH tenant-based voucher does not become available and the GRHC does not have sufficient available funding in its HCV program to attach assistance to the PBV unit, the family may be required to remain in its PBV unit until such funding becomes available. In determining if funding is insufficient, the GRHC will take into consideration its available budget authority, which also includes unspent prior year HAP funds in the GRHC's Net Restricted Assets account.

PART IV: MAINSTREAM VOUCHER PROGRAM

19-IV.A. PROGRAM OVERVIEW [Notice PIH 2020-01]

Mainstream vouchers assist non-elderly persons with disabilities and their families in the form of either project-based or tenant-based voucher assistance.

Aside from separate funding appropriations and serving a specific population, Mainstream vouchers follow the same program requirements as standard vouchers. The GRHC does not have special authority to treat families that receive a Mainstream voucher differently from other applicants and participants. For example, the GRHC cannot apply different payment standards, establish conditions for allowing portability, or apply different screening criteria to Mainstream families.

The Mainstream voucher program, (previously referred to as the Mainstream 5-Year program or the Section 811 voucher program) was originally authorized under the National Affordable Housing Act of 1990. Mainstream vouchers operated separately from the regular HCV program until the passage of the Frank Melville Supportive Housing Investment Act of 2010. Funding for Mainstream voucher renewals and administrative fees was first made available in 2012. In 2017 and 2019, incremental vouchers were made available for the first time since the Melville Act (in addition to renewals and administrative fees), and PHAs were invited to apply for a competitive award of Mainstream vouchers under the FY17 and FY19 NOFAs. In 2020, Notice PIH 2020-22 provided an opportunity for any PHA administering an HCV program to apply for Mainstream vouchers noncompetitively, while Notice PIH 2020-09 authorized an increase in Mainstream voucher units and budget authority for those PHAs already awarded Mainstream vouchers under the FY17 and FY19 NOFAs.

Funds for Mainstream vouchers may be recaptured and reallocated if the GRHC does not comply with all program requirements or fails to maintain a utilization rate of 80 percent for the GRHC's Mainstream vouchers.

19-IV.B. ELIGIBLE POPULATION [Notice PIH 2020-01 and Notice PIH 2020-22]

All Mainstream vouchers must be used to serve non-elderly persons with disabilities and their families, defined as any family that includes a person with disabilities who is at least 18 years old and not yet 62 years old as of the effective date of the initial HAP contract. The eligible disabled household member does not need to be the head of household.

The definition of person with disabilities for purposes of Mainstream vouchers is the statutory definition under section 3(b)(3)(E) of the 1937 Act, which is the same as is used for allowances and deductions in the HCV program and is provided in Exhibit 3-1 of this policy.

Existing families receiving Mainstream vouchers, where the eligible family member is now age 62 or older, will not “age out” of the program as long as the family was eligible on the day it was first assisted under a HAP contract.

The GRHC will not implement eligibility screening criteria for Mainstream vouchers that is different from that of the regular HCV program.

19-IV.C. PARTNERSHIP AND SUPPORTIVE SERVICES [Notice PIH 2020-01]

The GRHC has implemented a Mainstream program, and will continue to partner with various organizations to assist further assist persons with disabilities find and maintain housing.

19-IV.D. WAITING LIST ADMINISTRATION

General Waiting List Requirements [Notice PIH 2020-01 and Mainstream Voucher Basics Webinar, 10/15/20]

The GRHC will not have a separate waiting list for Mainstream voucher assistance since the PHA is required by the regulations to maintain one waiting list for tenant-based assistance [24 CFR 982.204(f)]. All GRHC policies on opening, closing, and updating the waiting list, as well as waiting list preferences in Chapter 4, apply to the Mainstream program.

When the GRHC is awarded Mainstream vouchers, these vouchers must be used for new admissions to the GRHC’s program from the waiting list. The GRHC will lease these vouchers by pulling the first Mainstream-eligible family from its tenant-based waiting list. The GRHC is not permitted to reassign existing participants to the program in order to make regular tenant-based vouchers available. Further, the GRHC may not skip over Mainstream-eligible families on the waiting list because the GRHC is serving the required number of Mainstream families.

Upon turnover, vouchers must be provided to Mainstream-eligible families. If a Mainstream turnover voucher becomes available, the GRHC will determine if the families at the top of the waiting list qualify under program requirements.

Admission Preferences [Notice PIH 2020-01; FY17 Mainstream NOFA; FY19 Mainstream NOFA]

The GRHC did not claim a preference for a targeted group as part of an application for Mainstream vouchers under a NOFA.

19-IV.E. PORTABILITY [Notice PIH 2020-01 and Mainstream Voucher Basics Webinar, 10/15/20]

Mainstream voucher participants are eligible for portability under standard portability rules and all GRHC policies regarding portability in Chapter 10, Part II apply to Mainstream families.

The following special considerations for Mainstream vouchers apply under portability:

- If the receiving GRHC has a Mainstream voucher available, the participant may remain a Mainstream participant.
 - If the receiving PHA chooses to bill the initial PHA, then the voucher will remain a Mainstream voucher.
 - If the receiving PHA chooses to absorb the voucher, the voucher will be considered a regular voucher, or a Mainstream voucher if the receiving PHA has a Mainstream voucher available, and the Mainstream voucher at the initial PHA will be freed up to lease to another Mainstream-eligible family.
- If the receiving PHA does not have a Mainstream voucher available, the participant may receive a regular voucher.

19-IV.F. PROJECT-BASING MAINSTREAM VOUCHERS [FY19 Mainstream Voucher NOFA Q&A]

The GRHC may project-base Mainstream vouchers in accordance with all applicable PBV regulations and GRHC policies in Chapter 17. The GRHC is responsible for ensuring that, in addition to complying with project-based voucher program requirements, the project complies with all applicable federal nondiscrimination and civil rights statutes and requirements. This includes, but is not limited to, Section 504 of the Rehabilitation Act (Section 504), Titles II or III of the Americans with Disabilities (ADA), and the Fair Housing Act and their implementing regulations at 24 CFR Part 8; 28 CFR Parts 35 and 36; and 24 CFR Part 100. Mainstream vouchers are subject to the PBV program percentage limitation discussed in Section 17-I.A.

PART IV: NON-ELDERLY DISABLED (NED) VOUCHERS

19-V.A. PROGRAM OVERVIEW [Notice PIH 2013-19]

NED vouchers help non-elderly disabled families lease suitable, accessible, and affordable housing in the private market. Aside from separate funding appropriations and serving a specific population, NED vouchers follow the same program requirements as standard vouchers. The GRHC does not have special authority to treat families that receive a NED voucher differently from other applicants and participants.

Some NED vouchers are awarded to PHAs through competitive NOFAs. The NOFA for FY2009 Rental Assistance for NED made incremental funding available for two categories of NED families:

- **Category 1** vouchers enable non-elderly persons or families with disabilities to access affordable housing on the private market.
- **Category 2** vouchers enable non-elderly persons with disabilities currently residing in nursing homes or other healthcare institutions to transition into the community. PHAs with NED Category 2 vouchers were required to partner with a state Medicaid or health agency or the state Money Follows the Person (MFP) Demonstration agency.

Since 1997, HCVs for NED families have been also awarded under various special purpose HCV programs: Rental Assistance for Non-Elderly Persons with Disabilities in Support of Designated Housing Plans (Designated Housing), Rental Assistance for Non-Elderly Persons with Disabilities Related to Certain Types of Section 8 Project-Based Developments (Certain Developments), One-Year Mainstream Housing Opportunities for Persons with Disabilities, and the Project Access Pilot Program (formerly Access Housing 2000).

- **Designated Housing** vouchers enable non-elderly disabled families, who would have been eligible for a public housing unit if occupancy of the unit or entire project had not been restricted to elderly families only through an approved Designated Housing Plan, to receive rental assistance. These vouchers may also assist non-elderly disabled families living in a designated unit/project/building to move from that project if they so choose. The family does not have to be listed on the PHA's voucher waiting list. Instead, they may be admitted to the program as a special admission. Once the impacted families have been served, the PHA may begin issuing these vouchers to non-elderly disabled families from their HCV waiting list. Upon turnover, these vouchers must be issued to non-elderly disabled families from the PHA's HCV waiting list.
- **Certain Developments** vouchers enable non-elderly families having a person with disabilities, who do not currently receive housing assistance in certain developments where owners establish preferences for, or restrict occupancy to, elderly families, to obtain affordable housing. These non-elderly families with a disabled person do not need to be listed on the PHA's HCV waiting list in order to be offered and receive housing choice voucher rental assistance. It is sufficient that these families' names are on the waiting list for a covered development at the time their names are provided to the PHA by the owner. Once the impacted families have been served, the PHA may begin issuing these vouchers to non-

elderly disabled families from their HCV waiting list. Upon turnover, these vouchers must be issued to non-elderly disabled families from the PHA's HCV waiting list.

- **One-Year Mainstream Housing Opportunities for Persons with Disabilities (One-Year Mainstream) vouchers** enable non-elderly disabled families on the PHA's waiting list to receive a voucher. After initial leasing, turnover vouchers must be issued to non-elderly disabled families from the PHA's voucher waiting list.

19-V.B. ELIGIBLE POPULATION

General Requirements [Notice PIH 2013-19]

Only eligible families whose head of household, spouse, or cohead is non-elderly (under age 62) and disabled may receive a NED voucher. Families with only a minor child with a disability are not eligible.

In cases where the qualifying household member now qualifies as elderly due to the passage of time since the family received the NED voucher, existing NED participant families do not "age out," as the family was eligible on the day it was first assisted under a housing assistance payments (HAP) contract.

The definition of person with disabilities for purposes of NED vouchers is the statutory definition under Section 3(b)(3)(E) of the 1937 Act, which is the same as is used for allowances and deductions in the HCV program and is provided in Exhibit 3-1 of this policy.

The GRHC will not implement eligibility screening criteria for NED vouchers that is different from that of the regular HCV program.

NED Category 2 [Notice PIH 2013-19 and NED Category 2 FAQs]

In addition to being eligible for the GRHC's regular HCV program and a non-elderly person with a disability, in order to receive a Category 2 voucher, the family's head, spouse, cohead, or sole member must be transitioning from a nursing home or other healthcare institution and provided services needed to live independently in the community.

Nursing homes or other healthcare institutions may include intermediate care facilities and specialized institutions that care for those with intellectual disabilities, developmentally disabled, or mentally ill, but do not include board and care facilities (e.g., adult homes, adult day care, adult congregate living).

The GRHC will not limit who can apply to just those persons referred or approved by a Money Follows the Person (MFP) Demonstration agency or state health agency. Other individuals could be placed on the waiting list if they can show, with confirmation by an independent agency or organization that routinely provides such services (this can be the MFP or partnering agency, but need not be), that the transitioning individual will be provided with all necessary services, including care or case management.

For each Category 2 family, there must be documentation (e.g., a copy of a referral letter from the partnering or referring agency) in the tenant file identifying the institution where the family lived at the time of voucher issuance.

19-V.C. WAITING LIST

General Requirements [Notice PIH 2013-19]

Families must be selected for NED vouchers from the GRHC's waiting list in accordance with all applicable regulations and GRHC policies in Chapter 4.

Regardless of the number of NED families the GRHC is required to serve, the next family on the waiting list must be served. Further, the GRHC may not skip over NED-eligible families on the waiting list because the GRHC is serving the required number of NED families.

NED Category 2 Referrals [NED Category 2 FAQs]

For NED Category 2 families, the partnering agency may make referrals of eligible families to the GRHC for placement on the waiting list. The GRHC will then select these families from the waiting list for voucher issuance.

The GRHC will accept applications from people living outside their jurisdictions or from people being referred from other Medicaid or MFP service agencies in their state.

If the GRHC's waiting list is closed, the GRHC will reopen its waiting list to accept referrals from its partnering agency. When opening the waiting list, the GRHC will advertise in accordance with 24 CFR 982.206 and GRHC policies in Section 4-II.C. In addition, the GRHC will ensure that individuals living in eligible institutions are aware when the GRHC opens its waiting list by reaching out to social service agencies, nursing homes, intermediate care facilities and specialized institutions in the local service area.

Reissuance of Turnover Vouchers [Notice PIH 2013-19]

All NED turnover vouchers must be reissued to the next NED family on the GRHC's waiting list with the following exception: A Category 2 voucher must be issued to another Category 2 family upon turnover if a Category 2 family is on the GRHC's waiting list. If there are no Category 2 families on the GRHC's waiting list, the GRHC will contact its partnering agency as well as conduct outreach through appropriate social service agencies and qualifying institutions to identify potentially eligible individuals. Only after all means of outreach have been taken to reach Category 2 families can the GRHC reissue the voucher to another Category 2 NED family on the GRHC's waiting list. Any subsequent turnover of that voucher must again be used for a Category 2 family on the GRHC's waiting list, and the GRHC is under the same obligation to conduct outreach to Category 2 families if no such families are on the GRHC's waiting list.

For PHAs that received both Category 1 and Category 2 vouchers, if at any time the PHA is serving fewer Category 2 families than the number of Category 2 HCVs awarded under the NOFA, when a Category 2 family applies to the waiting list and is found eligible, the PHA must issue the next NED voucher to that family. HUD monitors the initial leasing and reissuance of Category 2 HCVs. These vouchers may be recaptured and reassigned if not leased properly and in a timely manner.

All NED vouchers should be affirmatively marketed to a diverse population of NED-eligible families to attract protected classes least likely to apply. If at any time following the turnover of a NED HCV a PHA believes it is not practicable to assist NED families, the PHA must contact HUD.

19-V.D. LEASE UP [Notice PIH 2013-19]

Briefings

In addition to providing families with a disabled person a list of accessible units known to the GRHC, the GRHC will provide a list of local supportive service and disability organizations that may provide such assistance as counseling services and funding for moving expenses or security deposits in the briefing packet. These organizations include state protection and advocacy agencies, Centers for Independent Living, state Medicaid agencies, and disability advocacy groups that represent individuals with a variety of disabilities.

Further, if other governmental or non-governmental agencies provide available resources such as housing search counseling, moving expenses, security deposits, and utility deposits, the GRHC will include this information in the briefing packet.

Voucher Term

While the GRHC is not required to establish different policies for the initial term of the voucher for NED vouchers, all NED vouchers will have an initial term of 120 calendar days. The family must submit a Request for Tenancy Approval and proposed lease within the 120-day period unless the GRHC grants an extension. All other GRHC policies on extensions and suspension of vouchers in Section 5-II.E. will apply.

Special Housing Types [Notice PIH 2013-19 and NED Category 2 FAQs]

In general, the GRHC is not required to permit families to use any of the special housing types and may limit the number of families using such housing. However, the GRHC will permit the use of a special housing type if doing so provides a reasonable accommodation so that the program is readily accessible to and usable by a person with disabilities.

Such special housing types include single room occupancy housing, congregate housing, group homes, shared housing, cooperative housing, and manufactured homes when the family owns the home and leases the manufactured home space.

Persons with disabilities transitioning out of institutional settings may choose housing in the community that is in a group or shared environment or where some additional assistance for daily living is provided for them on site. Under HUD regulations, group homes and shared housing are considered special housing types and are not excluded as an eligible housing type in the HCV program. Assisted living facilities are also considered eligible housing under the normal HCV program rules, as long as the costs for meals and other supportive services are not included in the housing assistance payments (HAP) made by the GRHC to the owner, and as long as the person does not need continual medical or nursing care.

19-V.E. PORTABILITY [NED Category 2 FAQs]

NED voucher participants are eligible for portability under standard portability rules and all GRHC policies regarding portability in Chapter 10, Part II apply to NED families. However, the PHA may, but is not required to, allow applicant NED families to move under portability, even if the family did not have legal residency in the initial PHA's jurisdiction when they applied.

If neither the head of household nor the spouse or cohead of a NED applicant family had a domicile (legal residence) in the GRHC's jurisdiction at the time that the family's initial

application for assistance was submitted, the family must lease a unit within the initial GRHC's jurisdiction for at least 12 months before requesting portability.

The GRHC will consider exceptions to this policy for purposes of reasonable accommodation (see Chapter 2) or reasons related to domestic violence, dating violence, sexual assault, or stalking.

PART VI: EMERGENCY HOUSING VOUCHERS (TEMPORARY)

OVERVIEW

On March 11, 2021, President Biden signed the American Rescue Plan Act of 2021 (ARP) (P.L. 117-2). Section 3202 of the ARP appropriated \$5 billion for the creation, administration, and renewal of new incremental emergency housing vouchers (EHVs) and other eligible expenses related to COVID-19.

On May 5, 2021, HUD issued Notice PIH 2021-15, which described HUD's process for allocating approximately 70,000 EHVs to eligible PHAs and set forth the operating requirements for PHAs who administer them. Based on criteria outlined in the notice, HUD notified eligible PHAs of the number of EHVs allocated to their agency, and PHAs were able to accept or decline the invitation to participate in the program.

PHAs may not project-base EHV; EHV are exclusively tenant-based assistance.

All applicable nondiscrimination and equal opportunity requirements apply to the EHV program, including requirements that the PHA grant reasonable accommodations to persons with disabilities, effectively communicate with persons with disabilities, and ensure meaningful access for persons with limited English proficiency (LEP).

This chapter describes HUD regulations and PHA policies for administering EHV. The policies outlined in this chapter are organized into six sections, as follows: Funding, Partnering Agencies, Waiting List Management, Family Eligibility, Housing Search and Leasing, Use of Funds, Reporting, and Financial Records

PART VI-I. FUNDING

PART VI-I.A. FUNDING OVERVIEW

The American Rescue Plan Act of 2021 (ARP) provides administrative fees and funding for the costs of administering emergency housing vouchers (EHVs) and other eligible expenses defined in Notice PIH 2021-15. These fees may only be used for EHV administration and other eligible expenses and must not be used for or applied to other PHA programs or vouchers. The PHA must maintain separate financial records from its regular HCV funding for all EHV funding.

Housing Assistance Payments (HAP) Funding

ARP funding obligated to the PHA as housing assistance payments (HAP) funding may only be used for eligible EHV HAP expenses (i.e., rental assistance payments). EHV HAP funding may not be used for EHV administrative expenses or for the eligible uses under the EHV services fee.

The initial funding term will expire December 31, 2022. HUD will provide renewal funding to the GRHC for the EHV's on a calendar year (CY) basis commencing with CY 2023. The renewal funding allocation will be based on the GRHC's actual EHV HAP costs in leasing, similar to the renewal process for the regular HCV program. EHV renewal funding is not part of the annual HCV renewal funding formula; EHV's are renewed separately from the regular HCV program. All renewal funding for the duration of the EHV program has been appropriated as part of the ARP funding.

Administrative Fee and Funding

The following four types of fees and funding are allocated as part of the EHV program:

Preliminary fees support immediate start-up costs that the PHA will incur in implementing alternative requirements under EHV, such as outreach and coordination with partnering agencies:

- \$400 per EHV allocated to the PHA, once the consolidated annual contributions contract (CACC) is amended.
 - This fee may be used for any eligible administrative expenses related to EHV's.
 - The fee may also be used to pay for any eligible activities under EHV service fees (TPS- I.B).
- Placement fees/expedited issuance reporting fees will support initial lease-up costs and the added cost and effort required to expedite leasing of EHV's:
 - \$100 for each EHV initially leased, if the PHA reports the voucher issuance date in Public Housing Information Center–Next Generation (PIC–NG) system within 14 days of voucher issuance or the date the system becomes available for reporting.
 - Placement fees:
 - \$500 for each EHV family placed under a HAP contract effective within four months of the effective date of the ACC funding increment; or
 - \$250 for each EHV family placed under a HAP contract effective after four months but less than six months after the effective date of the ACC funding increment.
- HUD will determine placement fees in the event of multiple EHV allocations and funding increment effective dates.
- Placement/expedited issuance fees only apply to the initial leasing of the voucher; they are not paid for family moves or to turnover vouchers.
- Ongoing administrative fees, which are calculated in the same way as the standard HCV program:
 - PHAs are allocated administrative fees using the full column A administrative fee amount for each EHV under contract as of the first day of each month.
 - Ongoing EHV administrative fees may be subject to proration in future years, based on available EHV funding.

- Services fees, which are a one-time fee to support PHAs' efforts to implement and operate an effective EHV services program in its jurisdiction (TPS-I.B):
 - The fee is allocated once the PHA's CACC is amended to reflect EHV funding.
 - The amount allocated is \$3,500 for each EHV allocated.

PART VI-I.B. SERVICE FEES

Services fee funding must be initially used for defined eligible uses and not for other administrative expenses of operating the EHV program. Service fees fall into four categories:

- Housing search assistance
- Security deposit/utility deposit/rental application/holding fee uses
- Owner-related uses
- Other eligible uses such as moving expenses or tenant-readiness services

The eligible uses for service fees include:

- *Housing search assistance*, which may include activities such as, but not limited to, helping a family identify and visit potentially available units during their housing search, helping to find a unit that meets the household's disability-related needs, providing transportation and directions, assisting with the completion of rental applications and PHA forms, and helping to expedite the EHV leasing process for the family.
- *Application fees/non-refundable administrative or processing fees/refundable application deposit assistance*. The GRHC may choose to assist the family with some or all these expenses.
- *Holding fees* are fees an owner requests that are rolled into the security deposit after an application is accepted but before a lease is signed. The GRHC may cover part or all of the holding fee for units where the fee is required by the owner after a tenant's application has been accepted but before the lease signing. The GRHC and owner must agree how the holding fee gets rolled into the deposit, and under what conditions the fee will be returned. In general, owners need to accept responsibility for making needed repairs to a unit required by the initial housing quality standards (HQS) inspections and can only keep the holding fee if the client is at fault for not entering into a lease.
- *Security deposit assistance*. The amount of the security deposit assistance may not exceed the lesser of two months' rent to owner, the maximum security deposit allowed under applicable state and/or local law, or the actual security deposit required by the owner. The GRHC may pay the security deposit assistance directly to the owner or may pay the assistance to the family. If paid to the family, the GRHC will require documentation that the family paid the security deposit.
- *Utility deposit assistance/utility arrears*. The GRHC may provide utility deposit assistance for some or all of the family's utility deposit expenses. Assistance can be provided for deposits (including connection fees) required for the utilities to be supplied by the tenant under the lease. The GRHC may pay the utility deposit assistance directly to the utility company or may pay the assistance to the family. If paid to the family, the

GRHC will require documentation the family paid the utility deposit. The GRHC will require the utility supplier or family to return the utility deposit assistance to the GRHC at such time the deposit is returned by the utility supplier (less any amounts retained by the utility supplier). In addition, some families may have large balances with gas, electric, water, sewer, or trash companies that will make it difficult if not impossible to establish services for tenant-supplied utilities. The GRHC may also provide the family with assistance to help address these utility arrears to facilitate leasing. Utility deposit assistance returned to the GRHC will be used for either services fee eligible uses or other EHV administrative costs, as required by HUD.

- *Owner recruitment and outreach for EHV's.* The GRHC may use the service fee funding to conduct owner recruitment and outreach specifically for EHV's. In addition to traditional owner recruitment and outreach, activities may include conducting pre-inspections or otherwise expediting the inspection process, providing enhanced customer service, and offering owner incentive and/or retention payments.
- *Owner incentive and/or retention payments.* The GRHC may make incentive or retention payments to owners that agree to initially lease their unit to an EHV family and/or renew the lease of an EHV family.
 - Payments will be made as a single payment at the beginning of the assisted lease term (or lease renewal if a retention payment). Owner incentive and retentions payments are not housing assistance payments, are not part of the rent to owner, and are not taken into consideration when determining whether the rent for the unit is reasonable.
- *Moving expenses* (including move-in fees and deposits). The GRHC may provide assistance for some or all of the family's reasonable moving expenses when they initially lease a unit with the EHV. The GRHC will not provide moving expenses assistance for subsequent moves unless the family is required to move for reasons other than something the family did or failed to do (e.g., the GRHC is terminating the HAP contract because the owner did not fulfill the owner responsibilities under the HAP contract or the owner is refusing to offer the family the opportunity to enter a new lease after the initial lease term, as opposed to the family choosing to terminate the tenancy in order to move to another unit), or a family has to move due to domestic violence, dating violence, sexual assault, or stalking.
- *Tenant-readiness services.* The GRHC may use fees to help create a customized plan to address or mitigate barriers that individual families may face in renting a unit with an EHV, such as negative credit, lack of credit, negative rental or utility history, or to connect the family to other community resources (including COVID-related resources) that can assist with rental arrears.
- *Essential household items.* The GRHC may use services fee funding to assist the family with some or all of the costs of acquiring essential household items such as tableware, cooking equipment, beds or bedding, and essential sanitary products such as soap and toiletries.
- *Renter's insurance* if required by the lease. The GRHC may choose to assist the family with some or all this cost.

Any services fee assistance that is returned to the Grand Rapids Housing Commission after its initial or subsequent use may only be applied to the eligible services fee uses defined in Notice PIH 2021-15 (or subsequent notice) or other EHV administrative costs. Any amounts not expended for these eligible uses when the PHA's EHV program ends must be remitted to HUD.

PART VI.II: PARTNERING AGENCIES

PART VI-II.A. CONTINUUM OF CARE (CoC)

The GRHC has entered into an MOU with Kent County (Grand Rapids/Wyoming) Continuum of Care (CoC).

PART VI-II.B. OTHER PARTNERING ORGANIZATIONS

The GRHC may, but is not required to, partner with other organizations trusted by persons experiencing homelessness, such as victim services providers (VSPs) and other community partners. The GRHC has added VSP's and other trusted organizations to the MOU between the Grand Rapids Housing Commission and CoC.

PART VI-II.C. REFERRALS

CoC and Partnering Agency Referrals

The CoC and/or partnering agency must establish and implement a system to identify EHV-eligible individuals and families within the agency's caseload and make referrals to the GRHC. The CoC or other partnering agency must certify that the EHV applicants they refer to the GRHC meet at least one of the four EHV eligibility criteria. The GRHC will maintain a copy of the referral or certification from the CoC or other partnering agency in the participant's file along with other eligibility paperwork. Homeless service providers may, but are not required to, use the certification form found in Exhibit TPS-2 of this chapter. Victim services providers may, but are not required to, use the certification form found in Exhibit TPS-3 of this chapter when identifying eligible families who qualify as victims of human trafficking.

As part of the MOU, the GRHC and CoC or other partnering agency will identify staff positions to serve as lead EHV liaisons. These positions will be responsible for transmission and acceptance of referrals. The CoC or partnering agency must commit sufficient staff and resources to ensure eligible individuals and families are identified and determined eligible in a timely manner.

The GRHC's liaison responsible for acceptance of referrals will contact the CoC or partnering agency liaison via email indicating the number of vouchers available and requesting an appropriate number of referrals. No more than five business days from the date the CoC or partnering agency receives this notification, the CoC or partnering agency liaison will provide the GRHC with a list of eligible referrals including the name, address, and contact phone number for each adult individual who is being referred; a completed release form for each adult family member; and a written certification for each referral indicating they are EHV-eligible.

Offers of Assistance with CoC Referral

The GRHC may make an EHV available without a referral from the CoC or other partnering organization in order to facilitate an emergency transfer under VAWA in accordance with the GRHC's Emergency Transfer Plan (ETP) in Chapter 16.

The GRHC must also take direct referrals from outside the CoC if:

- The CoC does not have a sufficient number of eligible families to refer to the GRHC; or

- The CoC does not identify families that may be eligible for EHV assistance because they are fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking or human trafficking.

If at any time the GRHC is not receiving enough referrals or is not receiving referrals in a timely manner from the CoC or other partner referral agencies (or the GRHC and CoC cannot identify any such alternative referral partner agencies), HUD may permit the GRHC on a temporary or permanent basis to take EHV applications directly from applicants and admit eligible families to the EHV program in lieu of or in addition to direct referrals in those circumstances.

PART VI- III: WAITING LIST MANAGEMENT

PART VI-III.A. HCV WAITING LIST

Direct referrals are not added to the PHA's HCV waiting list. The GRHC will inform families on the HCV waiting list of the availability of EHV's by, at a minimum, either by posting the information to their website or providing public notice in their respective communities in accordance with the requirements listed in Notice PIH 2021-15.

The GRHC will post information about the EHV program for families on the GRHC's HCV waiting list on their website. The notice will:

- Describe the eligible populations to which EHV's are limited
- Clearly state that the availability of these EHV's is managed through a direct referral process
- Advise the family to contact the CoC (or any other GRHC referral partner, if applicable) if the family believes they may be eligible for EHV assistance

The GRHC will ensure effective communication with persons with disabilities, including those with vision, hearing, and other communication-related disabilities in accordance with Chapter 2. The GRHC will also take reasonable steps to ensure meaningful access for persons with limited English proficiency (LEP) in accordance with Chapter 2.

PART VI-III.B. EHV WAITING LIST

The HCV regulations requiring the PHA to operate a single waiting list for admission to the HCV program do not apply to PHAs operating the EHV program. Instead, when the number of applicants referred by the CoC or partnering agency exceeds the EHV's available, the PHA must maintain a separate waiting list for EHV referrals, both at initial leasing and for any turnover vouchers that may be issued prior to September 30, 2023.

Further, the EHV waiting list is not subject to PHA policies in Chapter 4 regarding opening and closing the HCV waiting list. The PHA will work directly with its CoC and other referral agency partners to manage the number of referrals and the size of the EHV waiting list.

PART VI-III.C. PREFERENCES

No local preferences have been established for the EHV waiting list.

PART IV: FAMILY ELIGIBILITY

PART VI-IV.A. OVERVIEW

The CoC or referring agency determines whether the individual or family meets any one of the four eligibility criteria described in Notice PIH 2021-15 and then refers the family to the GRHC. The GRHC determines that the family meets other eligibility criteria for the HCV program, as modified for the EHV program and outlined below.

PART VI-IV.B. REFERRING AGENCY DETERMINATION OF ELIGIBILITY

In order to be eligible for an EHV, an individual or family must meet one of four eligibility criteria:

- Homeless as defined in 24 CFR 578.3;
- At risk of homelessness as defined in 24 CFR 578.3;
- Fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking (as defined in Notice PIH 2021-15), or human trafficking (as defined in the 22 U.S.C. Section 7102); or
- Recently homeless and for whom providing rental assistance will prevent the family's homelessness or having high risk of housing instability as determined by the CoC or its designee in accordance with the definition in Notice PIH 2021-15.

As applicable, the CoC or referring agency must provide documentation to the GRHC of the referring agency's verification that the family meets one of the four eligible categories for EHV assistance. The GRHC will retain this documentation as part of the family's file.

PART VI-IV.C. PHA SCREENING

HUD waived 24 CFR 982.552 and 982.553 in part for the EHV applicants and established alternative requirement for mandatory and permissive prohibitions of admissions. Except where applicable, PHA policies regarding denials in Chapter 3 of this policy do not apply to screening individuals and families for eligibility for an EHV. Instead, the EHV alternative requirement listed in this section will apply to all EHV applicants. The mandatory and permissive prohibitions listed in Notice PIH 2021-15 and in this chapter, however, apply only when screening the individual or family for eligibility for an EHV. When adding a family member after the family has been placed under a HAP contract with EHV assistance, the regulations at 24 CFR 982.551(h)(2) apply. Other than the birth, adoption, or court-awarded custody of a child, the PHA must approve additional family members and may apply its regular HCV screening criteria in Chapter 3 in doing so.

Mandatory Denials

Under alternative requirements for the EHV program, mandatory denials for EHV applicants include:

- 24 CFR 982.553(a)(1)(ii)(C), which prohibits admission if any household member has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.

- 24 CFR 982.553(a)(2)(i), which prohibits admission to the program if any member of the household is subject to a lifetime registration requirement under a state sex offender registration program.

The GRHC will deny admission to the program if any member of the family fails to sign and submit consent forms for obtaining information as required by 24 CFR 982.552(b)(3) but should notify the family of the limited EHV grounds for denial of admission first.

Permissive Denial

Notice PIH 2021-15 lists permissive prohibitions for which the GRHC may, but is not required to, deny admission to EHV families. The notice also lists prohibitions that, while allowable under the HCV program, may not be used to deny assistance for EHV families.

In consultation with the CoC, the GRHC will apply permissive prohibition to the screening of EHV applicants. Determinations using permissive prohibitions will be made based on an individualized assessment of relevant mitigating information in accordance with policies in Section 3-III.E.

The GRHC will establish the following permissive prohibitions:

- If the GRHC determines that any household member is currently engaged in, or has engaged in within the previous 12 months:

Violent criminal activity

Other criminal activity that may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity. If any member of the family has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program within the previous 12 months. If the family engaged in or threatened abusive or violent behavior toward GRHC personnel within the previous 12 months. The Grand Rapids Housing Commission will also deny assistance to household members already receiving assistance from another program in accordance with Section 9.h. of Notice PIH 2021-15.

Prohibitions based on criminal activity for the eligible EHV populations regarding drug possession will be considered apart from criminal activity against persons (i.e., violent criminal activity). In compliance with PIH 2021-15, the GRHC will not deny an EHV applicant admission regardless of whether:

- Any member of the family has been evicted from federally assisted housing in the last five years;
- A PHA has ever terminated assistance under the program for any member of the family;
- The family currently owes rent or other amounts to the GRHC or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act;
- The family has not reimbursed any PHA for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease;
- The family breached an agreement with the GRHC and/or any other PHA to pay amounts owed to the GRHC and/or any other PHA, or amounts paid to an owner by the GRHC or any/PHA;

- The family would otherwise be prohibited admission under alcohol abuse standards established by the GRHC in accordance with 24 CFR 982.553(a)(3);
- The GRHC determines that any household member is currently engaged in or has engaged in during a reasonable time before the admission, drug-related criminal activity.

PARTVI-IV.D. INCOME VERIFICATION AT ADMISSION

Self-Certification at Admission

Any documents used for verification must be the original (not photocopies) and dated within the 60-day period prior to admission. The documents must not be damaged, altered, or in any way illegible. Printouts from webpages are considered original documents. Any family self-certifications must be made in a format acceptable to the GRHC and must be signed by the family member whose information or status is being verified. The GRHC will incorporate additional procedures to remind families of the obligation to provide true and complete information in accordance with Chapter 14. The GRHC will address any material discrepancies (i.e., unreported income or a substantial difference in reported income) that may arise later. The GRHC may, but is not required to, offer the family a repayment agreement in accordance with Chapter 16. If the family fails to repay the excess subsidy, the GRHC will terminate the family's assistance in accordance with the policies in Chapter 12.

Recently Conducted Income Determinations

The GRHC will accept income calculations and verifications from third-party providers provided they meet the criteria outlined above. The family certification must be made in a format acceptable to the GRHC and must be signed by all adult family members whose information or status is being verified. At the time of the family's annual reexamination the GRHC must conduct the annual reexamination of income as outlined at 24 CFR 982.516 and PHA policies in Chapter 11.

EIV Income Validation

Once HUD makes the EIV data available to the GRHC under this waiver and alternative requirement, the GRHC will:

- Review the EIV Income and Income Validation Tool (IVT) reports to confirm and validate family-reported income within 90 days of the PIC submission date;
- Print and maintain copies of the EIV Income and IVT Reports in the tenant file; and
- Resolve any income discrepancy with the family within 60 days of the EIV Income or IVT Report dates.
- Prior to admission, the GRHC will continue to use HUD's EIV system to search for all household members using the Existing Tenant Search in accordance with PHA policies in Chapter 3.

If the GRHC later determines that an ineligible family received assistance, the GRHC will take steps to terminate that family from the program in accordance with Chapter 12.

PART VI-IV.E. SOCIAL SECURITY NUMBER AND CITIZENSHIP STATUS VERIFICATION

The GRHC will admit EHV applicants who are unable to provide the required SSN or citizenship documentation during the initial eligibility determination. These individuals must provide the required documentation in accordance with policies in Chapter 7 within 180 days of admission. The GRHC may provide an additional 60-day extension based on evidence from the family or confirmation from the CoC or other partnering agency that the family has made a good-faith effort to obtain the documentation. If the GRHC determines that an ineligible family received assistance, the GRHC will take steps to terminate that family from the program in accordance with policies in Chapter 12.

PART VI-IV.F. AGE AND DISABILITY VERIFICATION

The GRHC will accept self-certification of date of birth and disability status if a higher form of verification is not immediately available. The certification must be made in a format acceptable to the GRHC and must be signed by the family member whose information or status is being verified. If self-certification is accepted, within 90 days of admission, the GRHC will verify the information in EIV or through other third-party verification if the information is not available in EIV. The GRHC will note the family's file that self-certification was used as initial verification and include an EIV printout or other third-party verification confirming the applicant's date of birth and/or disability status. If the GRHC determines that an ineligible family received assistance, the GRHC will take steps to terminate that family from the program in accordance with policies in Chapter 12.

PART VI-IV.G. INCOME TARGETING

The GRHC will not include the admission of extremely low-income EHV families in its income targeting numbers for the fiscal year in which these families are admitted.

PART VI-V: HOUSING SEARCH AND LEASING

PART VI-V.A. INITIAL VOUCHER TERM

All EHV's will have an initial term of 120 calendar days. The family must submit a Request for Tenancy Approval and proposed lease within the 120-day period unless the PHA grants an extension.

PART VI-V.B. HOUSING SEARCH ASSISTANCE

As identified in the MOU between the GRHC and CoC, the following housing search assistance will be provided to each EHV family:

The GRHC will:

- Conduct owner outreach in accordance with policies in Chapter 13 Provide directions to potential units as part of the EHV briefing packet
- Expedite the EHV leasing process for the family to the extent practicable and in accordance with policies in this chapter
- At least every 15 to 20 days, conduct proactive check-ins via email and telephone with families who are searching with an EHV and remind them of their voucher expiration date
- Assign a dedicated landlord liaison for EHV voucher families

The GRHC will seek services of partnering agencies and victim service providers (VSP's) to:

- Help families identify potentially available units during their housing search, including physically accessible units with features for family members with disabilities, as well as units in low-poverty neighborhoods
- Provide transportation assistance to potential units
- Assist the family with the completion of rental applications and required forms

PART VI-V.C. HQS PRE-INSPECTIONS

To expedite the leasing process, the GRHC may pre-inspect available units that EHV families may be interested in leasing to maintain a pool of eligible units. If an EHV family selects a unit that passed a HQS pre-inspection (without intervening occupancy) within 45 days of the date of the Request for Tenancy Approval, the unit may be approved provided that it meets all other conditions under 24 CFR 982.305. The family will be free to select his or her unit. When a pre-inspected unit is not selected, the GRHC will make every effort to fast-track the inspection process, including adjusting the normal inspection schedule for any required reinspection.

PART VI-V.D. INITIAL LEASE TERM

Unlike in the standard HCV program, EHV voucher holders may enter into an initial lease that is for less than 12 months, regardless of the GRHC policy in Section 9-I.E., Term of Assisted Tenancy.

PART VI-V.E. PORTABILITY

The normal HCV portability procedures and requirements outlined in Chapter 10 generally apply to EHV. Exceptions are addressed below.

Nonresident Applicants

Under EHV, applicant families may move under portability even if the family did not have legal residency in the jurisdiction of the initial PHA when they applied, regardless of PHA policy in Section 10-II.B.

Billing and Absorption

A receiving PHA cannot refuse to assist an incoming EHV family, regardless of whether the PHA administers EHV under its own ACC.

- If the EHV family moves under portability to another PHA that administers EHV under its own ACC:
- The receiving PHA may only absorb the incoming EHV family with an EHV (assuming it has an EHV voucher available to do so).
- If the PHA does not have an EHV available to absorb the family, it must bill the initial PHA. The receiving PHA must allow the family to lease the unit with EHV assistance and may not absorb the family with a regular HCV when the family leases the unit.
- Regardless of whether the receiving PHA absorbs or bills the initial PHA for the family's EHV assistance, the EHV administration of the voucher is in accordance with the receiving PHA's EHV policies.
- If the EHV family moves under portability to another PHA that does not administer EHV under its own ACC, the receiving PHA may absorb the family into its regular HCV program or may bill the initial PHA.

Family Briefing

In addition to the applicable family briefing requirements at 24 CFR 982.301(a)(2) as to how portability works and how portability may affect the family's assistance, the initial PHA must inform the family how portability may impact the special EHV services and assistance that may be available to the family.

The initial PHA is required to help facilitate the family's portability move to the receiving PHA and inform the family of this requirement in writing, taking reasonable steps to ensure meaningful access for persons with limited English proficiency (LEP).

In addition to following GRHC policy on briefings in Chapter 5, as part of the briefing packet for EHV families, the GRHC will include a written notice that the GRHC will assist the family with moves under portability.

Coordination of Services

For EHV families who are exercising portability, when the GRHC contacts the receiving PHA in accordance with Section 10-II.B. Preapproval Contact with Receiving PHA, the GRHC will consult and coordinate with the receiving PHA to ensure there is no duplication of EHV services and assistance, and ensure the receiving PHA is aware of the maximum amount of services fee funding that the GRHC may provide to the receiving PHA on behalf of the family.

Services Fee

Standard portability billing arrangements apply for HAP and ongoing administrative fees for EHV families.

For service fees funding, the amount of the service fee provided by the initial PHA may not exceed the lesser of the actual cost of the services and assistance provided to the family by the receiving PHA or \$1,750, unless the initial PHA and receiving PHA mutually agree to change the \$1,750 cap. Service fees are paid as follows:

- If the receiving PHA, in consultation and coordination with the initial PHA, will provide eligible services or assistance to the incoming EHV family, the receiving PHA may be compensated for those costs by the initial PHA, regardless of whether the receiving PHA bills or absorbs.
- If the receiving PHA administers EHV, the receiving PHA may use its own services fee and may be reimbursed by the initial PHA, or the initial PHA may provide the services funding upfront to the receiving PHA for those fees and assistance.
- If the receiving PHA does not administer EHV, the initial PHA must provide the services funding upfront to the receiving PHA. Any amounts provided to the receiving PHA that are not used for services or assistance on behalf of the EHV family must promptly be returned by the receiving PHA to the initial PHA.

Placement Fee/Issuance Reporting Fee

If the portability lease-up qualifies for the placement fee/issuance reporting fee, the receiving PHA receives the full amount of the placement component of the placement fee/issuance reporting fee. The receiving PHA is eligible for the placement fee regardless of whether the receiving PHA bills the initial PHA or absorbs the family into its own program at initial lease-up. The initial PHA qualifies for the issuance reporting component of the placement fee/issuance reporting fee, as applicable.

PART VI-V.F. PAYMENT STANDARDS

Payment Standard Schedule

The GRHC will utilize the effective Voucher Payment Standard for the HCV Program.

Rent Reasonableness

All rent reasonableness requirements apply to EHV units, regardless of whether the PHA has established an alternative or exception EHV payment standard.

PART VI-V.G. TERMINATION OF VOUCHERS

After September 30, 2023, a PHA may not reissue EHV's when assistance for an EHV-assisted family ends. This means that when an EHV participant (a family that is receiving rental assistance under a HAP contract) leaves the program for any reason, the PHA may not reissue that EHV to another family unless it does so no later than September 30, 2023.

If an applicant family that was issued the EHV is unsuccessful in finding a unit and the EHV expires after September 30, 2023, the EHV may not be reissued to another family. All EHV's under lease on or after October 1, 2023, may not under any circumstances be reissued to another family when the participant leaves the program for any reason. An EHV that has never been issued to a family may be initially issued and leased after September 30, 2023, since this prohibition only applies to EHV's that are being reissued upon turnover after assistance to a family has ended. However, HUD may direct PHAs administering EHV's to cease leasing any unleased EHV's if such action is determined necessary by HUD to ensure there will be sufficient funding available to continue to cover the HAP needs of currently assisted EHV families.

PART VI: USE OF FUNDS, REPORTING, AND FINANCIAL RECORDS

EHV funds allocated to the GRHC for HAP (both funding for the initial allocation and HAP renewal funding) may only be used for eligible EHV HAP purposes. EHV HAP funding obligated to the GRHC will not be used for EHV administrative expenses or the other EHV eligible expenses under this notice. Likewise, EHV administrative fees and funding obligated to the GRHC are to be used for those purposes and must not be used for HAP.

The appropriated funds for EHV are separate from the regular HCV program and may not be used for the regular HCV program but may only be expended for EHV eligible purposes. EHV HAP funds may not roll into the regular HCV restricted net position (RNP) and must be tracked and accounted for separately as EHV RNP. EHV administrative fees and funding for other eligible expenses permitted by Notice PIH 2021-15 may only be used in support of the EHV and cannot be used for regular HCVs. EHV funding may not be used for the repayment of debts or any amounts owed to HUD by HUD program participants including, but not limited to, those resulting from Office of Inspector General (OIG), Quality Assurance Division (QAD), or other monitoring review findings. The GRHC will comply with EHV reporting requirements in the Voucher Management System (VMS) and Financial Data Schedule (FDS) as outlined in Notice PIH 2021-15. The GRHC will maintain complete and accurate accounts and other records for the program and provide HUD and the Comptroller General of the United States full and free access to all accounts and records that are pertinent to the administration of the EHV in accordance with the HCV program requirements at 24 CFR 982.158.

GLOSSARY

A. ACRONYMS USED IN THE HOUSING CHOICE VOUCHER (HCV) PROGRAM

| | |
|-----------------|---|
| AAF | Annual adjustment factor (published by HUD in the <i>Federal Register</i> and used to compute annual rent adjustments) |
| ACC | Annual contributions contract |
| ADA | Americans with Disabilities Act of 1990 |
| AIDS | Acquired immune deficiency syndrome |
| BR | Bedroom |
| CDBG | Community Development Block Grant (Program) |
| CFR | Code of Federal Regulations (published federal rules that define and implement laws; commonly referred to as “the regulations”) |
| CPI | Consumer price index (published monthly by the Department of Labor as an inflation indicator) |
| DAYS | Calendar days, unless other wise noted. |
| EID | Earned income disallowance |
| EIV | Enterprise Income Verification |
| FDIC | Federal Deposit Insurance Corporation |
| FHA | Federal Housing Administration (HUD Office of Housing) |
| FHEO | Fair Housing and Equal Opportunity (HUD Office of) |
| FICA | Federal Insurance Contributions Act (established Social Security taxes) |
| FMR | Fair market rent |
| FR | Federal Register |
| FSS | Family Self-Sufficiency (Program) |
| FY | Fiscal year |
| FYE | Fiscal year end |
| GAO | Government Accountability Office |
| GR | Gross rent |
| HA | Housing authority or housing agency |
| HAP | Housing assistance payment |
| HCV | Housing choice voucher |
| HQS | Housing quality standards |
| HUD | Department of Housing and Urban Development |
| HUDCLIPS | HUD Client Information and Policy System |

| | |
|--------------|---|
| IPA | Independent public accountant |
| IRA | Individual retirement account |
| IRS | Internal Revenue Service |
| JTPA | Job Training Partnership Act |
| LBP | Lead-based paint |
| LEP | Limited English proficiency |
| MSA | Metropolitan statistical area (established by the U.S. Census Bureau) |
| MTCS | Multi-family Tenant Characteristics System (now the Form HUD-50058 submodule of the PIC system) |
| MTW | Moving to Work |
| NOFA | Notice of funding availability |
| OGC | HUD's Office of General Counsel |
| OIG | HUD's Office of Inspector General |
| OMB | Office of Management and Budget |
| PASS | Plan to Achieve Self-Support |
| PHA | Public housing agency |
| PIC | PIH Information Center |
| PIH | (HUD Office of) Public and Indian Housing |
| PS | Payment standard |
| QC | Quality control |
| REAC | (HUD) Real Estate Assessment Center |
| RFP | Request for proposals |
| RFTA | Request for tenancy approval |
| RIGI | Regional inspector general for investigation (handles fraud and program abuse matters for HUD at the regional office level) |
| SEMAP | Section 8 Management Assessment Program |
| SRO | Single room occupancy |
| SSA | Social Security Administration |
| SSI | Supplemental security income |
| SWICA | State wage information collection agency |

| | |
|-------------|--|
| TANF | Temporary assistance for needy families |
| TPV | Tenant protection vouchers |
| TR | Tenant rent |
| TTP | Total tenant payment |
| UA | Utility allowance |
| UFAS | Uniform Federal Accessibility Standards |
| UIV | Upfront income verification |
| URP | Utility reimbursement payment |
| VAWA | Violence Against Women Reauthorization Act of 2013 |

B. GLOSSARY OF SUBSIDIZED HOUSING TERMS

Absorption. In portability (under subpart H of this part 982): the point at which a receiving PHA stops billing the initial PHA for assistance on behalf of a portability family. The receiving PHA uses funds available under the receiving PHA consolidated ACC.

Accessible. The facility or portion of the facility can be approached, entered, and used by persons with disabilities.

Adjusted income. Annual income, less allowable HUD deductions and allowances.

Administrative fee. Fee paid by HUD to the PHA for administration of the program. See §982.152.

Administrative plan. The plan that describes PHA policies for administration of the tenant-based programs. The Administrative Plan and any revisions must be approved by the PHA's board and included as a supporting document to the PHA Plan. See §982.54.

Admission. The point when the family becomes a participant in the program. The date used for this purpose is the effective date of the first HAP contract for a family (first day of initial lease term) in a tenant-based program.

Affiliated individual. With respect to an individual, a spouse, parent, brother, sister, or child of that individual, or an individual to whom that individual stands in loco parentis (in the place of a parent), or any individual, tenant, or lawful occupant living in the household of that individual

Amortization payment. In a manufactured home space rental: The monthly debt service payment by the family to amortize the purchase price of the manufactured home.

Annual. Happening once a year.

Annual contributions contract (ACC). The written contract between HUD and a PHA under which HUD agrees to provide funding for a program under the 1937 Act, and the PHA agrees to comply with HUD requirements for the program.

Annual income. The anticipated total income of an eligible family from all sources for the 12-month period following the date of determination of income, computed in accordance with the regulations.

Applicant (applicant family). A family that has applied for admission to a program but is not yet a participant in the program.

Area exception rent. An amount that exceeds the published FMR. See 24 CFR 982.504(b).

As-paid states. States where the welfare agency adjusts the shelter and utility component of the welfare grant in accordance with actual housing costs.

Assets. (See *net family assets*.)

Auxiliary aids. Services or devices that enable persons with impaired sensory, manual, or speaking skills to have an equal opportunity to participate in, and enjoy the benefits of, programs or activities receiving federal financial assistance.

Biennial. Happening every two years.

Bifurcate. With respect to a public housing or Section 8 lease, to divide a lease as a matter of law such that certain tenants can be evicted or removed while the remaining family members' lease and occupancy rights are allowed to remain intact.

Budget authority. An amount authorized and appropriated by the Congress for payment to PHAs under the program. For each funding increment in a PHA program, budget authority is the maximum amount that may be paid by HUD to the PHA over the ACC term of the funding increment.

Child. A member of the family other than the family head or spouse who is under 18 years of age.

Child care expenses. Amounts anticipated to be paid by the family for the care of children under 13 years of age during the period for which annual income is computed, but only where such care is necessary to enable a family member to actively seek employment, be gainfully employed, or to further his or her education and only to the extent such amounts are not reimbursed. The amount deducted shall reflect reasonable charges for child care. In the case of child care necessary to permit employment, the amount deducted shall not exceed the amount of employment income that is included in annual income.

Citizen. A citizen or national of the United States.

Cohead. An individual in the household who is equally responsible for the lease with the head of household. A family may have a cohead or spouse but not both. A cohead never qualifies as a dependent. The cohead must have legal capacity to enter into a lease.

Common space. In shared housing, the space available for use by the assisted family and other occupants of the unit.

Computer match. The automated comparison of databases containing records about individuals.

Confirmatory review. An on-site review performed by HUD to verify the management performance of a PHA.

Consent form. Any consent form approved by HUD to be signed by assistance applicants and participants to obtain income information from employers and SWICAs; return information from the Social Security Administration (including wages, net earnings from self-employment, and retirement income); and return information for unearned income from the IRS. Consent forms expire after a certain time and may authorize the collection of other information to determine eligibility or level of benefits.

Congregate housing. Housing for elderly persons or persons with disabilities that meets the HQS for congregate housing. A special housing type: see 24 CFR 982.606–609.

Contiguous MSA. In portability (under subpart H of part 982): An MSA that shares a common boundary with the MSA in which the jurisdiction of the initial PHA is located.

Continuously assisted. An applicant is continuously assisted under the 1937 Act if the family is already receiving assistance under any 1937 Housing Act program when the family is admitted to the voucher program.

Contract authority. The maximum annual payment by HUD to a PHA for a funding increment.

Cooperative (term includes mutual housing). Housing owned by a nonprofit corporation or association, and where a member of the corporation or association has the right to reside in a particular apartment, and to participate in management of the housing. A special housing type (see 24 CFR 982.619).

Covered families. Statutory term for families who are required to participate in a welfare agency economic self-sufficiency program and who may be subject to a welfare benefit sanction for noncompliance with this obligation. Includes families who receive welfare assistance or other public assistance under a program for which federal, state or local law requires that a member of the family must participate in an economic self-sufficiency program as a condition for the assistance.

Dating violence. Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship
- The type of relationship
- The frequency of interaction between the persons involved in the relationship

Dependent. A member of the family (except foster children and foster adults) other than the family head or spouse, who is under 18 years of age, or is a person with a disability, or is a full-time student.

Dependent child. In the context of the student eligibility restrictions, a dependent child of a student enrolled in an institution of higher education. The dependent child must also meet the definition of *dependent* as specified above.

Disability assistance expenses. Reasonable expenses that are anticipated, during the period for which annual income is computed, for attendant care and auxiliary apparatus for a disabled family member, and that are necessary to enable a family member (including the disabled member) to be employed, provided that the expenses are neither paid to a member of the family nor reimbursed by an outside source.

Disabled family. A family whose head, cohead, spouse, or sole member is a person with disabilities; two or more persons with disabilities living together; or one or more persons with disabilities living with one or more live-in aides.

Disabled person. See *person with disabilities*.

Disallowance. Exclusion from annual income.

Displaced family. A family in which each member, or whose sole member, is a person displaced by governmental action, or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to federal disaster relief laws.

Domestic violence. Felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim

who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Domicile. The legal residence of the household head or spouse as determined in accordance with state and local law.

Drug-related criminal activity. The illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute, or use the drug.

Economic self-sufficiency program. Any program designed to encourage, assist, train or facilitate the economic independence of assisted families, or to provide work for such families. Can include job training, employment counseling, work placement, basic skills training, education, English proficiency, Workfare, financial or household management, apprenticeship, or any other program necessary to ready a participant to work (such as treatment for drug abuse or mental health treatment). Includes any work activities as defined in the Social Security Act (42 U.S.C. 607(d)). Also see 24 CFR 5.603(c).

Elderly family. A family whose head, cohead, spouse, or sole member is a person who is at least 62 years of age; two or more persons who are at least 62 years of age living together; or one or more persons who are at least 62 years of age living with one or more live-in aides.

Elderly person. An individual who is at least 62 years of age.

Eligible family A family that is income eligible and meets the other requirements of the 1937 Act and Part 5 of 24 CFR. See also *family*.

Employer identification number (EIN). The nine-digit taxpayer identifying number that is assigned to an individual, trust, estate, partnership, association, company, or corporation.

Evidence of citizenship or eligible status. The documents which must be submitted as evidence of citizenship or eligible immigration status. See 24 CFR 5.508(b).

Extremely low-income family. A family whose annual income does not exceed the federal poverty level or 30 percent of the median income for the area, whichever number is higher. Area median income is determined by HUD, with adjustments for smaller and larger families. HUD may establish income ceilings higher or lower than 30 percent of median income if HUD finds such variations are necessary due to unusually high or low family incomes. See 24 CFR 5.603.

Facility. All or any portion of buildings, structures, equipment, roads, walks, parking lots, rolling stock, or other real or personal property or interest in the property.

Fair Housing Act. Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988.

Fair market rent (FMR). The rent, including the cost of utilities (except telephone), as established by HUD for units of varying sizes (by number of bedrooms), that must be paid in the housing market area to rent privately owned, existing, decent, safe, and sanitary rental housing of modest (non-luxury) nature with suitable amenities. See periodic publications in the *Federal Register* in accordance with 24 CFR Part 888.

Family. Includes but is not limited to the following, regardless of actual or perceived sexual orientation, gender identity, or marital status, and can be further defined in PHA policy.

- A family with or without children (the temporary absence of a child from the home due to placement in foster care is not considered in determining family composition and family size)
- An elderly family or a near-elderly family
- A displaced family
- The remaining member of a tenant family
- A single person who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a tenant family.

Family rent to owner. In the voucher program, the portion of rent to owner paid by the family.

Family self-sufficiency program (FSS program). The program established by a PHA in accordance with 24 CFR part 984 to promote self-sufficiency of assisted families, including the coordination of supportive services (42 U.S.C. 1437u).

Family share. The portion of rent and utilities paid by the family. For calculation of family share, see 24 CFR 982.515(a).

Family unit size. The appropriate number of bedrooms for a family, as determined by the PHA under the PHA subsidy standards.

Federal agency. A department of the executive branch of the federal government.

Foster child care payment. A payment to eligible households by state, local, or private agencies appointed by the state to administer payments for the care of foster children.

Full-time student. A person who is attending school or vocational training on a full-time basis (carrying a subject load that is considered full-time for day students under the standards and practices of the educational institution attended). See 24 CFR 5.603.

Funding increment. Each commitment of budget authority by HUD to a PHA under the consolidated annual contributions contract for the PHA program.

Gender identity. Actual or perceived gender-related characteristics.

Gross rent. The sum of the rent to owner plus any utility allowance.

Group home. A dwelling unit that is licensed by a state as a group home for the exclusive residential use of two to twelve persons who are elderly or persons with disabilities (including any live-in aide). (A special housing type: see 24 CFR 982.610–614.)

Handicap. Any condition or characteristic that renders a person an individual with handicaps. (See *person with disabilities*.)

HAP contract. The housing assistance payments contract. A written contract between the PHA and an owner for the purpose of providing housing assistance payments to the owner on behalf of an eligible family.

Head of household. The adult member of the family who is the head of the household for purposes of determining income eligibility and rent.

Household. A household includes additional people other than the family who, with the PHA's permission, live in an assisted unit, such as live-in aides, foster children, and foster adults.

Housing assistance payment. The monthly assistance payment by a PHA, which includes: (1) A payment to the owner for rent to the owner under the family's lease; and (2) An additional payment to the family if the total assistance payment exceeds the rent to owner.

Housing agency (HA). See *public housing agency*.

Housing quality standards (HQS). The HUD minimum quality standards for housing assisted under the voucher program.

HUD. The U.S. Department of Housing and Urban Development.

Imputed asset. An asset disposed of for less than fair market value during the two years preceding examination or reexamination.

Imputed asset income. The PHA-established passbook rate multiplied by the total cash value of assets. The calculation is used when net family assets exceed \$5,000.

Imputed welfare income. An amount of annual income that is not actually received by a family as a result of a specified welfare benefit reduction, but is included in the family's annual income and therefore reflected in the family's rental contribution.

Income. Income from all sources of each member of the household, as determined in accordance with criteria established by HUD.

Income for eligibility. Annual income.

Income information means information relating to an individual's income, including:

- All employment income information known to current or previous employers or other income sources
- All information about wages, as defined in the state's unemployment compensation law, including any social security number; name of the employee; quarterly wages of the employee; and the name, full address, telephone number, and, when known, employer identification number of an employer reporting wages under a state unemployment compensation law
- Whether an individual is receiving, has received, or has applied for unemployment compensation, and the amount and the period received
- Unearned IRS income and self-employment, wages, and retirement income
- Wage, social security, and supplemental security income data obtained from the Social Security Administration.

Individual with handicaps. See *person with disabilities*.

Initial PHA. In portability, the term refers to both: (1) A PHA that originally selected a family that later decides to move out of the jurisdiction of the selecting PHA; and (2) A PHA that absorbed a family that later decides to move out of the jurisdiction of the absorbing PHA.

Initial payment standard. The payment standard at the beginning of the HAP contract term.

Initial rent to owner. The rent to owner at the beginning of the HAP contract term.

Institution of higher education. An institution of higher education as defined in 20 U.S.C. 1001 and 1002. See Exhibit 3-2 in this Administrative Plan.

Jurisdiction. The area in which the PHA has authority under state and local law to administer the program.

Landlord. Either the owner of the property or his/her representative, or the managing agent or his/her representative, as shall be designated by the owner.

Lease. A written agreement between an owner and a tenant for the leasing of a dwelling unit to the tenant. The lease establishes the conditions for occupancy of the dwelling unit by a family with housing assistance payments under a HAP contract between the owner and the PHA.

Live-in aide. A person who resides with one or more elderly persons, or near-elderly persons, or persons with disabilities, and who:

- Is determined to be essential to the care and well-being of the persons;
- Is not obligated for the support of the persons; and
- Would not be living in the unit except to provide the necessary supportive services.

Living/sleeping room. A living room may be used as sleeping (bedroom) space, but no more than two persons may occupy the space. A bedroom or living/sleeping room must have at least one window and two electrical outlets in proper operating condition. See HCV GB p. 10-6 and 24 CFR 982.401.

Local preference. A preference used by the PHA to select among applicant families.

Low-income family. A family whose income does not exceed 80 percent of the median income for the area as determined by HUD with adjustments for smaller or larger families, except that HUD may establish income limits higher or lower than 80 percent for areas with unusually high or low incomes.

Manufactured home. A manufactured structure that is built on a permanent chassis, is designed for use as a principal place of residence, and meets the HQS. (A special housing type: see 24 CFR 982.620 and 982.621.)

Manufactured home space. In manufactured home space rental: A space leased by an owner to a family. A manufactured home owned and occupied by the family is located on the space. See 24 CFR 982.622 to 982.624.

Medical expenses. Medical expenses, including medical insurance premiums, that are anticipated during the period for which annual income is computed, and that are not covered by insurance (a deduction for elderly or disabled families only). These allowances are given when calculating adjusted income for medical expenses in excess of 3 percent of annual income.

Minor. A member of the family household other than the family head or spouse, who is under 18 years of age.

Mixed family. A family whose members include those with citizenship or eligible immigration status, and those without citizenship or eligible immigration status.

Monthly adjusted income. One twelfth of adjusted income.

Monthly income. One twelfth of annual income.

Mutual housing. Included in the definition of *cooperative*.

National. A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession.

Near-elderly family. A family whose head, spouse, or sole member is a person who is at least 50 years of age but below the age of 62; or two or more persons, who are at least 50 years of age but below the age of 62, living together; or one or more persons who are at least 50 years of age but below the age of 62 living with one or more live-in aides.

Net family assets. (1) Net cash value after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of capital investment, excluding interests in Indian trust land and excluding equity accounts in HUD homeownership programs. The value of necessary items of personal property such as furniture and automobiles shall be excluded.

- In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the family or household, the value of the trust fund will not be considered an asset so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted when determining annual income under §5.609.
- In determining net family assets, PHAs or owners, as applicable, shall include the value of any business or family assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received therefore. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or tenant receives important consideration not measurable in dollar terms.

Noncitizen. A person who is neither a citizen nor national of the United States.

Notice of funding availability (NOFA). For budget authority that HUD distributes by competitive process, the *Federal Register* document that invites applications for funding. This document explains how to apply for assistance and the criteria for awarding the funding.

Office of General Counsel (OGC). The General Counsel of HUD.

Overcrowded. A unit that does not meet the following HQS space standards: (1) Provide adequate space and security for the family; and (2) Have at least one bedroom or living/sleeping room for each two persons.

Owner. Any person or entity with the legal right to lease or sublease a unit to a participant.

PHA Plan. The annual plan and the 5-year plan as adopted by the PHA and approved by HUD.

PHA's quality control sample. An annual sample of files or records drawn in an unbiased manner and reviewed by a PHA supervisor (or by another qualified person other than the person who performed the original work) to determine if the work documented in the files or records conforms to program requirements. For minimum sample size see CFR 985.3.

Participant (participant family). A family that has been admitted to the PHA program and is currently assisted in the program. The family becomes a participant on the effective date of the first HAP contract executed by the PHA for the family (first day of initial lease term).

Payment standard. The maximum monthly assistance payment for a family assisted in the voucher program (before deducting the total tenant payment by the family).

Person with disabilities. *For the purposes of program eligibility.* A person who has a disability as defined under the Social Security Act or Developmental Disabilities Care Act, or a person who has a physical or mental impairment expected to be of long and indefinite duration and whose ability to live independently is substantially impeded by that impairment but could be improved by more suitable housing conditions. This includes persons with AIDS or conditions arising from AIDS but excludes persons whose disability is based solely on drug or alcohol dependence. *For the purposes of reasonable accommodation.* A person with a physical or mental impairment that substantially limits one or more major life activities, a person regarded as having such an impairment, or a person with a record of such an impairment.

Portability. Renting a dwelling unit with a Section 8 housing choice voucher outside the jurisdiction of the initial PHA.

Premises. The building or complex in which the dwelling unit is located, including common areas and grounds.

Previously unemployed. With regard to the earned income disallowance, a person with disabilities who has earned, in the 12 months previous to employment, no more than would be received for 10 hours of work per week for 50 weeks at the established minimum wage.

Private space. In shared housing, the portion of a contract unit that is for the exclusive use of an assisted family.

Processing entity. The person or entity that, under any of the programs covered, is responsible for making eligibility and related determinations and any income reexamination. In the HCV program, the "processing entity" is the "responsible entity."

Project owner. The person or entity that owns the housing project containing the assisted dwelling unit.

Public assistance. Welfare or other payments to families or individuals, based on need, which are made under programs funded, separately or jointly, by federal, state, or local governments.

Public housing agency (PHA). Any state, county, municipality, or other governmental entity or public body, or agency or instrumentality of these entities, that is authorized to engage or assist in the development or operation of low-income housing under the 1937 Act.

Qualified family (under the earned income disallowance). A family participating in an applicable assisted housing program or receiving HCV assistance:

- Whose annual income increases as a result of employment of a family member who is a person with disabilities and who was previously unemployed for one or more years prior to employment;
- Whose annual income increases as a result of increased earnings by a family member who is a person with disabilities during participation in any economic self-sufficiency or other job training program; or
- Whose annual income increases, as a result of new employment or increased earnings of a family member who is a person with disabilities, during or within six months after receiving assistance, benefits or services under any state program for temporary assistance for needy families funded under Part A of Title IV of the Social Security Act, as determined by the responsible entity in consultation with the local agencies administering temporary assistance for needy families (TANF) and Welfare-to-Work (WTW) programs. The TANF program is not limited to monthly income maintenance, but also includes such benefits and services as one-time payments, wage subsidies and transportation assistance--provided that the total amount over a six-month period is at least \$500.

Qualified census tract. With regard to certain tax credit units, any census tract (or equivalent geographic area defined by the Bureau of the Census) in which at least 50 percent of households have an income of less than 60 percent of Area Median Gross Income (AMGI), or where the poverty rate is at least 25 percent, and where the census tract is designated as a qualified census tract by HUD.

Reasonable rent. A rent to owner that is not more than rent charged: (1) For comparable units in the private unassisted market; and (2) For comparable unassisted units in the premises.

Reasonable accommodation. A change, exception, or adjustment to a rule, policy, practice, or service to allow a person with disabilities to fully access the PHA's programs or services.

Receiving PHA. In portability: A PHA that receives a family selected for participation in the tenant-based program of another PHA. The receiving PHA issues a voucher and provides program assistance to the family.

Recertification. Sometimes called *reexamination*. The process of securing documentation of total family income used to determine the rent the tenant will pay for the next 12 months if there are no additional changes to be reported.

Remaining member of the tenant family. The person left in assisted housing who may or may not normally qualify for assistance on their own circumstances (i.e., an elderly spouse dies, leaving widow age 47 who is not disabled).

Rent to owner. The total monthly rent payable to the owner under the lease for the unit (also known as contract rent). Rent to owner covers payment for any housing services, maintenance, and utilities that the owner is required to provide and pay for.

Residency preference. A PHA preference for admission of families that reside anywhere in a specified area, including families with a member who works or has been hired to work in the area (See *residency preference area*).

Residency preference area. The specified area where families must reside to qualify for a residency preference.

Responsible entity. For the public housing and the Section 8 tenant-based assistance, project-based voucher assistance, and moderate rehabilitation programs, the responsible entity means the PHA administering the program under an ACC with HUD. For all other Section 8 programs, the responsible entity means the Section 8 owner.

Secretary. The Secretary of Housing and Urban Development.

Section 8. Section 8 of the United States Housing Act of 1937.

Section 8 covered programs. All HUD programs which assist housing under Section 8 of the 1937 Act, including Section 8 assisted housing for which loans are made under Section 202 of the Housing Act of 1959.

Section 214. Section 214 of the Housing and Community Development Act of 1980, as amended.

Section 214 covered programs. The collective term for the HUD programs to which the restrictions imposed by Section 214 apply. These programs are set forth in 24 CFR 5.500.

Security deposit. A dollar amount (maximum set according to the regulations) which can be used for unpaid rent or damages to the owner upon termination of the lease.

Set-up charges. In a manufactured home space rental, charges payable by the family for assembling, skirting, and anchoring the manufactured home.

Sexual assault. Any nonconsensual sexual act proscribed by federal, tribal, or state law, including when the victim lacks capacity to consent (42 U.S.C. 13925(a)).

Sexual orientation. Homosexuality, heterosexuality or bisexuality.

Shared housing. A unit occupied by two or more families. The unit consists of both common space for shared use by the occupants of the unit and separate private space for each assisted family. (A special housing type: see 24 CFR 982.615–982.618.)

Single person. A person living alone or intending to live alone.

Single room occupancy housing (SRO). A unit that contains no sanitary facilities or food preparation facilities, or contains either, but not both, types of facilities. (A special housing type: see 24 CFR 982.602–982.605.)

Social security number (SSN). The nine-digit number that is assigned to a person by the Social Security Administration and that identifies the record of the person's earnings reported to the Social Security Administration. The term does not include a number with a letter as a suffix that is used to identify an auxiliary beneficiary.

Special admission. Admission of an applicant that is not on the PHA waiting list or without considering the applicant's waiting list position.

Special housing types. See subpart M of part 982. Subpart M states the special regulatory requirements for: SRO housing, congregate housing, group homes, shared housing, cooperatives (including mutual housing), and manufactured homes (including manufactured home space rental).

Specified welfare benefit reduction. Those reductions of welfare benefits (for a covered family) that may not result in a reduction of the family rental contribution. A reduction of welfare benefits because of fraud in connection with the welfare program, or because of welfare sanction due to noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program.

Spouse. The marriage partner of the head of household.

Stalking. To follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate; or to place under surveillance with the intent to kill, injure, harass, or intimidate another person; and in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to (1) that person, (2) a member of the immediate family of that person, or (3) the spouse or intimate partner of that person.

State wage information collection agency (SWICA). The state agency, including any Indian tribal agency, receiving quarterly wage reports from employers in the state, or an alternative system that has been determined by the Secretary of Labor to be as effective and timely in providing employment-related income and eligibility information.

Subsidy standards. Standards established by a PHA to determine the appropriate number of bedrooms and amount of subsidy for families of different sizes and compositions.

Suspension. The term on the family's voucher stops from the date the family submits a request for PHA approval of the tenancy, until the date the PHA notifies the family in writing whether the request has been approved or denied. This practice is also called *tolling*.

Tax credit rent. With regard to certain tax credit units, the rent charged for comparable units of the same bedroom size in the building that also receive the low-income housing tax credit but do not have any additional rental assistance (e.g., tenant-based voucher assistance).

Tenancy addendum. For the housing choice voucher program, the lease language required by HUD in the lease between the tenant and the owner.

Tenant. The person or persons (other than a live-in aide) who executes the lease as lessee of the dwelling unit.

Tenant rent to owner. See *family rent to owner*.

Term of lease. The amount of time a tenant agrees in writing to live in a dwelling unit.

Total tenant payment (TTP). The total amount the HUD rent formula requires the tenant to pay toward rent and utilities.

Unit. Residential space for the private use of a family. The size of a unit is based on the number of bedrooms contained within the unit and generally ranges from zero (0) bedrooms to six (6) bedrooms.

Utilities. Water, electricity, gas, other heating, refrigeration, cooking fuels, trash collection, and sewage services. Telephone service is not included.

Utility allowance. If the cost of utilities (except telephone) and other housing services for an assisted unit is not included in the tenant rent but is the responsibility of the family occupying the unit, an amount equal to the estimate made or approved by a PHA or HUD of the monthly cost of a reasonable consumption of such utilities and other services for the unit by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful living environment.

Utility reimbursement. In the voucher program, the portion of the housing assistance payment which exceeds the amount of rent to owner.

Utility hook-up charge. In a manufactured home space rental: Costs payable by a family for connecting the manufactured home to utilities such as water, gas, electrical and sewer lines.

Very low-income family. A low-income family whose annual income does not exceed 50 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD may establish income limits higher or lower than 50 percent of the median income for the area on the basis of its finding that such variations are necessary because of unusually high or low family incomes. This is the income limit for the housing choice voucher program.

Veteran. A person who has served in the active military or naval service of the United States at any time and who shall have been discharged or released therefrom under conditions other than dishonorable.

Violence Against Women Reauthorization Act (VAWA) of 2013. Prohibits denying admission to the program to an otherwise qualified applicant or terminating assistance on the basis that the applicant or program participant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking.

Violent criminal activity. Any illegal criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person or property of another.

Voucher (housing choice voucher). A document issued by a PHA to a family selected for admission to the housing choice voucher program. This document describes the program and the procedures for PHA approval of a unit selected by the family. The voucher also states obligations of the family under the program.

Voucher holder. A family holding a voucher with an unexpired term (search time).

Voucher program. The housing choice voucher program.

Waiting list. A list of families organized according to HUD regulations and PHA policy who are waiting for a unit to become available.

Waiting list admission. An admission from the PHA waiting list.

Welfare assistance. Income assistance from federal or state welfare programs, including assistance provided under TANF and general assistance. Does not include assistance directed solely to meeting housing expenses, nor programs that provide health care, child care or other services for working families. For the FSS program (984.103(b)), *welfare assistance* includes only cash maintenance payments from federal or state programs designed to meet a family's ongoing basic needs, but does not include food stamps, emergency rental and utilities assistance, SSI, SSDI, or social security.

ATTACHMENT H

**Low Income Public Housing (LIPH)
Admissions & Continued
Occupancy Policy**

July 1, 2023

Grand Rapids Housing Commission

1440 Fuller Avenue SE Grand Rapids, MI 49507
616-235-2600 grhousing.org

| | |
|---|-----------|
| LIPH ACOP INTRODUCTION | 10 |
| CHAPTER 1 INTRODUCTION..... | 14 |
| PART I: THE GRHC | 15 |
| 1-I.A. OVERVIEW..... | 15 |
| 1-I.B. ORGANIZATION AND STRUCTURE OF THE GRHC..... | 15 |
| 1-I.C. GRHC MISSION STATEMENT..... | 15 |
| 1-I.D. THE GRHC'S COMMITMENT TO ETHICS AND SERVICE..... | 15 |
| PART II: THE PUBLIC HOUSING PROGRAM..... | 17 |
| 1-II.A. OVERVIEW AND HISTORY OF THE PROGRAM..... | 17 |
| 1-II.B. PUBLIC HOUSING PROGRAM BASICS..... | 17 |
| 1-II.C. THE PUBLIC HOUSING PARTNERSHIPS | 17 |
| 1-II.D. APPLICABLE REGULATIONS | 18 |
| PART III: THE ADMISSIONS AND CONTINUED OCCUPANCY POLICY | 19 |
| 1-III.A. OVERVIEW AND PURPOSE OF THE POLICY | 19 |
| 1-III.B. CONTENTS OF THE POLICY (24CFR 960) | 19 |
| 1-III.C. UPDATING AND REVISING THE POLICY | 19 |
| CHAPTER 2 FAIR HOUSING AND EQUAL OPPORTUNITY | 20 |
| PART I: NONDISCRIMINATION | 21 |
| 2-I.A. OVERVIEW..... | 21 |
| 2-I.B. NONDISCRIMINATION | 21 |
| PART II: POLICIES RELATED TO PERSONS WITH DISABILITIES..... | 22 |
| 2-II.A. OVERVIEW | 22 |
| 2-II.B. DEFINITION OF REASONABLE ACCOMMODATION..... | 22 |
| 2-II.C. REQUEST FOR AN ACCOMMODATION | 22 |
| 2-II.D. VERIFICATION OF DISABILITY..... | 22 |
| 2-II.E. APPROVAL/DENIAL OF A REQUESTED ACCOMMODATION..... | 22 |
| 2-II.F. PROGRAM ACCESSIBILITY FOR PERSONS WITH HEARING/VISION IMPAIRMENTS.. | 23 |
| 2-II.G. PHYSICAL ACCESSIBILITY | 23 |
| 2-II.H. DENIAL OR TERMINATION OF ASSISTANCE [24 CFR 966.7]..... | 24 |
| PART III: IMPROVING ACCESS FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY | 25 |
| 2-III.A. OVERVIEW..... | 25 |
| 2-III.B. ORAL INTERPRETATION..... | 25 |
| 2-III.C. WRITTEN TRANSLATION | 26 |
| 2-III.D. IMPLEMENTATION PLAN..... | 26 |
| CHAPTER 3 ELIGIBILITY..... | 27 |
| PART I: DEFINITIONS OF FAMILY AND HOUSEHOLD MEMBERS..... | 28 |
| 3-I.A. OVERVIEW..... | 28 |
| 3-I.B. FAMILY AND HOUSEHOLD [24 CFR 5.105(a)(2), 24 CFR 5.403, FR Notice..... | 28 |
| 3-I.C. FAMILY BREAKUP AND REMAINING MEMBER OF TENANT FAMILY..... | 29 |
| 3-I.D. HEAD OF HOUSEHOLD [24 CFR 5.504(b)] | 29 |
| 3-I.E. SPOUSE, COHEAD, AND OTHER ADULT | 30 |
| 3-I.F. DEPENDENT [24 CFR 5.603] | 30 |
| 3-I.G. FULL-TIME STUDENT [24 CFR 5.603] | 30 |
| 3-I.H. ELDERLY AND NEAR-ELDERLY PERSONS, AND ELDERLY FAMILY | 30 |
| 3-I.I. PERSONS WITH DISABILITIES AND DISABLED FAMILY [24 CFR 5.403] | 30 |
| 3-I.J. GUESTS [24 CFR 5.100]..... | 31 |
| 3-I.K. FOSTER CHILDREN AND FOSTER ADULTS | 32 |

| | |
|--|-----------|
| 3-I.L. ABSENT FAMILY MEMBERS..... | 32 |
| 3-I.M. LIVE-IN AIDE [24 CFR 5.403] | 33 |
| PART II: BASIC ELIGIBILITY CRITERIA | 34 |
| 3-II.A. OVERVIEW | 34 |
| 3-II.B. INCOME ELIGIBILITY AND TARGETING | 34 |
| 3-II.C. CITIZENSHIP OR ELIGIBLE IMMIGRATION STATUS [24 CFR 5, Subpart E]..... | 35 |
| 3-II.D. SOCIAL SECURITY NUMBERS [24 CFR 5.216 and 5.218, Notice PIH 2018-24] | 36 |
| 3-II.E. FAMILY CONSENT TO RELEASE OF INFORMATION [24 CFR 5.230]..... | 36 |
| 3-II.F. EIV SYSTEM SEARCHES [Notice PIH 2018-18; EIV FAQs; EIV System Training..... | 36 |
| PART III: DENIAL OF ADMISSION..... | 38 |
| 3-III.A. OVERVIEW..... | 38 |
| 3-III.B. REQUIRED DENIAL OF ADMISSION [24 CFR 960.204] | 38 |
| 3-III.C. OTHER PERMITTED REASONS FOR DENIAL OF ADMISSION..... | 38 |
| 3-III.D. SCREENING..... | 41 |
| 3-III.E. CRITERIA FOR DECIDING TO DENY ADMISSION | 42 |
| 3-III.F. PROHIBITION AGAINST DENIAL OF ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING | 43 |
| 3-III.G. NOTICE OF ELIGIBILITY OR DENIAL | 44 |
| EXHIBIT 3-1: DETAILED DEFINITIONS RELATED TO DISABILITIES | 45 |
| CHAPTER 4 APPLICATIONS, WAITING LIST AND TENANT SELECTION | 47 |
| PART I: THE APPLICATION PROCESS..... | 48 |
| 4-I.A. OVERVIEW..... | 48 |
| 4-I.B. APPLYING FOR ASSISTANCE [PH Occ GB, p. 68] | 48 |
| 4-I.C. ACCESSIBILITY OF THE APPLICATION PROCESS [24 CFR 8; PH Occ GB, p. 68] | 48 |
| 4-I.D. PLACEMENT ON THE WAITING LIST..... | 48 |
| PART II: MANAGING THE WAITING LIST | 50 |
| 4-II.A. OVERVIEW | 50 |
| 4-II.B ORGANIZATION OF THE WAITING LIST [24 CFR 960.206]..... | 50 |
| 4-II.C OPENING AND CLOSING THE WAITING LIST..... | 50 |
| 4-II.D FAMILY OUTREACH [24 CFR 903.2(d); 24 CFR 903.7(a) and (b)] | 50 |
| 4-II.E. REPORTING CHANGES IN FAMILY CIRCUMSTANCES..... | 50 |
| 4-II.F. UPDATING THE WAITING LIST..... | 51 |
| PART III: TENANT SELECTION..... | 52 |
| 4-III.A. OVERVIEW..... | 52 |
| 4-III.B. SELECTION METHOD..... | 52 |
| 4-III.C. NOTIFICATION OF SELECTION..... | 53 |
| 4-III.D. THE APPLICATION INTERVIEW..... | 54 |
| 4-III.E. FINAL ELIGIBILITY DETERMINATION [24 CFR 960.208] | 55 |
| CHAPTER 5 OCCUPANCY STANDARDS AND UNIT OFFERS..... | 56 |
| PART I: OCCUPANCY STANDARDS | 57 |
| 5-I.A. OVERVIEW..... | 57 |
| 5-I.B. DETERMINING UNIT SIZE..... | 57 |
| 5-I.C. EXCEPTIONS TO OCCUPANCY STANDARDS | 58 |
| PART II: UNIT OFFERS 24 CFR 1.4(B)(2)(II) | 59 |
| 5-II.A. OVERVIEW | 59 |
| 5-II.B. NUMBER OF OFFERS..... | 59 |
| 5-II.C. TIME LIMIT FOR UNIT OFFER ACCEPTANCE OR REFUSAL..... | 59 |
| 5-II.D. REFUSALS OF UNIT OFFERS..... | 59 |
| 5-II.E. ACCESSIBLE UNITS..... | 60 |
| 5-II.F. DESIGNATED HOUSING | 60 |

| | |
|---|-----------|
| CHAPTER 6 INCOME AND RENT DETERMINATIONS..... | 61 |
| PART I: ANNUAL INCOME | 62 |
| 6-I.A. OVERVIEW..... | 62 |
| 6-I.B. HOUSEHOLD COMPOSITION AND INCOME..... | 62 |
| 6-I.C. ANTICIPATING ANNUAL INCOME..... | 64 |
| 6-I.D. EARNED INCOME [24 CFR 5.609(b) and (c)]..... | 65 |
| 6-I.E. EARNED INCOME DISALLOWANCE [24 CFR 960.255; Streamlining Final Rule..... | 66 |
| 6-I.F. BUSINESS INCOME [24 CFR 5.609(b)(2)] | 68 |
| 6-I.G. ASSETS [24 CFR 5.609(b)(3) and 24 CFR 5.603(b)] | 69 |
| 6-I.H. PERIODIC PAYMENTS..... | 73 |
| 6-I.I. PAYMENTS IN LIEU OF EARNINGS | 75 |
| 6-I.K. PERIODIC AND DETERMINABLE ALLOWANCES [24 CFR 5.609(b)(7)]..... | 76 |
| 6-I.L. ADDITIONAL EXCLUSIONS FROM ANNUAL INCOME | 76 |
| PART II: ADJUSTED INCOME..... | 77 |
| 6-II.A. INTRODUCTION | 77 |
| 6-II.B. DEPENDENT DEDUCTION | 77 |
| 6-II.C. ELDERLY OR DISABLED FAMILY DEDUCTION..... | 77 |
| 6-II.D. MEDICAL EXPENSES DEDUCTION [24 CFR 5.611(a)(3)(i) and 5.603(b)]..... | 77 |
| 6-II.E. DISABILITY ASSISTANCE EXPENSES DEDUCTION [24 CFR 5.603(b) and..... | 78 |
| 6-II.F. CHILD CARE EXPENSE DEDUCTION | 80 |
| 6-II.G. PERMISSIVE DEDUCTIONS [24 CFR 5.611(b)(1)] | 81 |
| PART III: CALCULATING RENT | 82 |
| 6-III.A. OVERVIEW OF INCOME-BASED RENT CALCULATIONS..... | 82 |
| 6-III.B. FINANCIAL HARDSHIPS AFFECTING MINIMUM RENT [24 CFR 5.630]..... | 82 |
| 6-III.C. UTILITY ALLOWANCES [24 CFR 965, Subpart E]..... | 84 |
| 6-III.D. PRORATED RENT FOR “MIXED” FAMILIES [24 CFR 5.520] | 84 |
| 6-III.E. FLAT RENTS AND FAMILY CHOICE IN RENTS [24 CFR 960.253] | 84 |
| EXHIBIT 6-1: ANNUAL INCOME INCLUSIONS | 86 |
| EXHIBIT 6-2: ANNUAL INCOME EXCLUSIONS | 89 |
| EXHIBIT 6-3: TREATMENT OF FAMILY ASSETS | 91 |
| EXHIBIT 6-4: EARNED INCOME DISALLOWANCE FOR PERSONS WITH DISABILITIES..... | 92 |
| EXHIBIT 6-5: THE EFFECT OF WELFARE BENEFIT REDUCTION | 94 |
| CHAPTER 7 VERIFICATION..... | 96 |
| PART I: GENERAL VERIFICATION REQUIREMENTS..... | 97 |
| 7-I.A. FAMILY CONSENT TO RELEASE OF INFORMATION | 97 |
| 7-I.B. OVERVIEW OF VERIFICATION REQUIREMENTS..... | 97 |
| 7-I.C. UP-FRONT INCOME VERIFICATION (UIV)..... | 97 |
| 7-I.D. THIRD-PARTY WRITTEN AND ORAL VERIFICATION..... | 98 |
| 7-I.E. SELF-CERTIFICATION..... | 99 |
| PART II: VERIFYING FAMILY INFORMATION | 101 |
| 7-II.A. VERIFICATION OF LEGAL IDENTITY | 101 |
| 7-II.B. SOCIAL SECURITY NUMBERS | 101 |
| 7-II.C. DOCUMENTATION OF AGE | 102 |
| 7-II.D. FAMILY RELATIONSHIPS | 102 |
| 7-II.E. VERIFICATION OF STUDENT STATUS..... | 103 |
| 7-II.F. DOCUMENTATION OF DISABILITY..... | 103 |
| 7-II.G. CITIZENSHIP OR ELIGIBLE IMMIGRATION STATUS..... | 104 |
| 7-II.H. VERIFICATION OF PREFERENCE STATUS | 104 |
| PART III: VERIFYING INCOME AND ASSETS..... | 105 |
| 7-III.A. EARNED INCOME..... | 105 |
| 7-III.B. BUSINESS AND SELF EMPLOYMENT INCOME | 105 |

| | |
|--|------------|
| 7-III.C. PERIODIC PAYMENTS AND PAYMENTS IN LIEU OF EARNINGS..... | 105 |
| 7-III.D. ALIMONY OR CHILD SUPPORT..... | 106 |
| 7-III.E. ASSETS AND INCOME FROM ASSETS..... | 106 |
| 7-III.F. NET INCOME FROM RENTAL PROPERTY..... | 107 |
| 7-III.G. RETIREMENT ACCOUNTS..... | 107 |
| 7-III.H. INCOME FROM EXCLUDED SOURCES..... | 107 |
| 7-III.I. ZERO ANNUAL INCOME STATUS..... | 108 |
| PART IV: VERIFYING MANDATORY DEDUCTIONS..... | 109 |
| 7-IV.A. DEPENDENT AND ELDERLY/DISABLED HOUSEHOLD DEDUCTIONS..... | 109 |
| 7-IV.B. MEDICAL EXPENSE DEDUCTION..... | 109 |
| 7-IV.C. DISABILITY ASSISTANCE EXPENSES..... | 109 |
| 7-IV.D. CHILD CARE EXPENSES..... | 110 |
| CHAPTER 8 LEASING AND INSPECTIONS..... | 113 |
| PART I: LEASING..... | 114 |
| 8-I.A. OVERVIEW..... | 114 |
| 8-I.B. LEASE ORIENTATION..... | 114 |
| 8-I.C. EXECUTION OF LEASE..... | 114 |
| 8-I.D. MODIFICATIONS TO THE LEASE..... | 115 |
| 8-I.E. SECURITY DEPOSITS [24 CFR 966.4(b)(5)]..... | 115 |
| 8-I.F. PAYMENTS UNDER THE LEASE..... | 115 |
| 8-I.G. MINIMUM HEATING STANDARDS [Notice PIH 2018-19]..... | 117 |
| PART II: INSPECTIONS..... | 118 |
| 8-II.A. OVERVIEW..... | 118 |
| 8-II.B. TYPES OF INSPECTIONS..... | 118 |
| 8-II.C. NOTICE AND SCHEDULING OF INSPECTIONS [24 CFR 966.4(j)]..... | 119 |
| 8-II.D. INSPECTION RESULTS..... | 119 |
| CHAPTER 9 REEXAMINATIONS..... | 121 |
| PART I: ANNUAL REEXAMINATIONS FOR FAMILIES PAYING INCOME-BASED RENTS [24 CFR 960.257]..... | 122 |
| 9-I.A. OVERVIEW..... | 122 |
| 9-I.B. STREAMLINED ANNUAL REEXAMINATIONS [24 CFR 960.257]..... | 122 |
| 9-I.C. SCHEDULING ANNUAL REEXAMINATIONS..... | 122 |
| 9-I.D. CONDUCTING ANNUAL REEXAMINATIONS..... | 123 |
| 9-I.E. EFFECTIVE DATES..... | 123 |
| PART II: REEXAMINATIONS FOR FAMILIES PAYING FLAT RENTS [24 CFR 960.257]..... | 125 |
| 9-II.A. OVERVIEW..... | 125 |
| 9-II.B. FULL REEXAMINATION OF FAMILY INCOME AND COMPOSITION..... | 125 |
| 9-II.C. REEXAMINATION OF FAMILY COMPOSITION (“ANNUAL UPDATE”)..... | 125 |
| PART III: INTERIM REEXAMINATIONS [24 CFR 960.257; 24 CFR 966.4]..... | 127 |
| 9-III.A. OVERVIEW..... | 127 |
| 9-III.B. CHANGES IN FAMILY AND HOUSEHOLD COMPOSITION..... | 127 |
| 9-III.C. CHANGES AFFECTING INCOME OR EXPENSES..... | 128 |
| 9-III.D. PROCESSING THE INTERIM REEXAMINATION..... | 129 |
| PART IV: RECALCULATING TENANT RENT..... | 130 |
| 9-IV.A. OVERVIEW..... | 130 |
| 9-IV.B. CHANGES IN UTILITY ALLOWANCES (24 CFR 965.507, 24 CFR 966.4)..... | 130 |
| 9-IV.C. NOTIFICATION OF NEW TENANT RENT..... | 130 |
| 9-IV.D. DISCREPANCIES..... | 130 |

| | |
|--|------------|
| CHAPTER 10 PETS..... | 131 |
| PART I: ASSISTANCE ANIMALS..... | 132 |
| 10-I.A. OVERVIEW..... | 132 |
| 10-I.B. APPROVAL OF ASSISTANCE ANIMALS [Notice FHEO 2020-01]..... | 132 |
| 10-I.C. CARE AND HANDLING..... | 132 |
| PART II: PET POLICIES FOR ALL DEVELOPMENTS..... | 133 |
| 10-II.A. OVERVIEW..... | 133 |
| 10-II.B. MANAGEMENT APPROVAL OF PETS..... | 133 |
| 10-II.C. STANDARDS FOR PETS [24 CFR 960.705(b); 5.318]..... | 133 |
| 10-II.D. PET RULES..... | 134 |
| PART III: PET DEPOSITS AND FEES IN ELDERLY/DISABLED DEVELOPMENTS..... | 137 |
| 10-III.A. OVERVIEW..... | 137 |
| 10-III.B. PET DEPOSITS [24 CFR 5.318(d)(1) and (d)(3)]..... | 137 |
| 10-III.C. OTHER CHARGES..... | 137 |
| PART IV: PET DEPOSITS AND FEES IN GENERAL OCCUPANCY DEVELOPMENTS..... | 138 |
| 10-IV.A. OVERVIEW..... | 138 |
| 10-IV.C. NON-REFUNDABLE NOMINAL PET FEE..... | 138 |
| 10-IV.D. OTHER CHARGES..... | 139 |
| CHAPTER 11 COMMUNITY SERVICE..... | 140 |
| PART I: COMMUNITY SERVICE REQUIREMENT 11-I.A. OVERVIEW..... | 141 |
| 11-I.B. REQUIREMENTS..... | 141 |
| 11-I.C. DETERMINATION OF EXEMPTION STATUS AND COMPLIANCE [24 CFR..... | 141 |
| 11-I.D. DOCUMENTATION AND VERIFICATION [24 CFR 960.605(c)(4), 960.607, Notice PIH 2016-08]..... | 143 |
| 11-I.E. NONCOMPLIANCE..... | 143 |
| PART II: IMPLEMENTATION OF COMMUNITY SERVICE..... | 145 |
| 11-II.A. OVERVIEW..... | 145 |
| 11-II.B. GRHC Implementation of Community Service..... | 145 |
| 11-II.C. GRHC Program Design..... | 145 |
| CHAPTER 12 TRANSFER POLICY..... | 146 |
| PART I: EMERGENCY TRANSFERS..... | 147 |
| 12-I.A. OVERVIEW..... | 147 |
| 12-I.B. EMERGENCY TRANSFERS..... | 147 |
| 12-I.C. EMERGENCY TRANSFER PROCEDURES..... | 147 |
| 12-I.D. COSTS OF TRANSFER..... | 147 |
| PART II: GRHC REQUIRED TRANSFERS..... | 148 |
| 12-II.A. OVERVIEW..... | 148 |
| 12-II.B. TYPES OF GRHC REQUIRED TRANSFERS..... | 148 |
| 12-II.C. ADVERSE ACTION [24 CFR 966.4(e)(8)(i)]..... | 149 |
| 12-II.D. COST OF TRANSFER..... | 149 |
| PART III: TRANSFERS REQUESTED BY TENANTS..... | 150 |
| 12-III.A. OVERVIEW..... | 150 |
| 12-III.B. TYPES OF RESIDENT REQUESTED TRANSFERS..... | 150 |
| 12-III.C. ELIGIBILITY FOR TRANSFER..... | 150 |
| 12-III.D. SECURITY DEPOSITS..... | 151 |
| 12-III.E. COST OF TRANSFER..... | 151 |
| 12-III.F. HANDLING OF REQUESTS..... | 151 |
| PART IV: TRANSFER PROCESSING..... | 152 |
| 12-IV.A. OVERVIEW..... | 152 |
| 12-IV.B. TRANSFER LIST..... | 152 |

| | |
|---|------------|
| 12-IV.C. TRANSFER OFFER POLICY..... | 152 |
| 12-IV.D. GOOD CAUSE FOR UNIT REFUSAL..... | 152 |
| 12-IV.E. DECONCENTRATION | 153 |
| 12-IV.F. REEXAMINATION POLICIES FOR TRANSFERS | 153 |
| CHAPTER 13 LEASE TERMINATIONS | 154 |
| PART I: TERMINATION BY TENANT..... | 155 |
| 13-I.A. OVERVIEW..... | 155 |
| 13-I.B. TENANT CHOOSES TO TERMINATE THE LEASE [24 CFR 966.4(k)(1)(ii) and]..... | 155 |
| PART II: TERMINATION BY GRHC – MANDATORY | 156 |
| 13-II.A. OVERVIEW | 156 |
| 13-II.B. FAILURE TO PROVIDE CONSENT [24 CFR 960.259(a) and (b)] | 156 |
| 13-II.C. FAILURE TO DOCUMENT CITIZENSHIP]..... | 156 |
| 13-II.D. FAILURE TO DISCLOSE AND DOCUMENT SOCIAL SECURITY NUMBERS..... | 156 |
| 13-II.E. FAILURE TO ACCEPT THE GRHC’S OFFER OF A LEASE REVISION [24 CFR | 156 |
| 13-II.F. METHAMPHETAMINE CONVICTION [24 CFR 966.4(l)(5)(i)(A)] | 156 |
| 13-II.G. LIFETIME REGISTERED SEX OFFENDERS [Notice PIH 2012-28] | 157 |
| 13-II.H. NONCOMPLIANCE WITH COMMUNITY SERVICE REQUIREMENTS..... | 157 |
| 13-II.I. DEATH OF A SOLE FAMILY MEMBER [Notice PIH 2012-4]..... | 157 |
| PART III: TERMINATION BY GRHC – OTHER AUTHORIZED REASONS | 158 |
| 13-III.A. OVERVIEW | 158 |
| 13-III.B. MANDATORY LEASE PROVISIONS [24 CFR 966.4(l)(5)]..... | 158 |
| 13-III.C. OTHER AUTHORIZED REASONS FOR TERMINATION [24 CFR 966.4(l)(2)..... | 160 |
| 13-III.D. ALTERNATIVES TO TERMINATION OF TENANCY | 161 |
| 13-III.E. CRITERIA FOR DECIDING TO TERMINATE TENANCY..... | 162 |
| 13-III.F. TERMINATIONS RELATED TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING..... | 163 |
| PART IV: NOTIFICATION REQUIREMENTS, EVICTION PROCEDURES AND RECORD KEEPING..... | 165 |
| 13-IV.A. OVERVIEW | 165 |
| 13-IV.B. CONDUCTING CRIMINAL RECORDS CHECKS [24 CFR 5.903(e)(1)(ii) and]..... | 165 |
| 13-IV.C. DISCLOSURE OF CRIMINAL RECORDS TO FAMILY [24 CFR 5.903(f), | 165 |
| 13-IV.D. LEASE TERMINATION NOTICE [24 CFR 966.4(l)(3)] | 165 |
| 13-IV.E. EVICTION..... | 166 |
| 13-IV.F. RECORD KEEPING..... | 167 |
| CHAPTER 14 GRIEVANCES AND APPEAL | 168 |
| PART I: INFORMAL HEARINGS FOR PUBLIC HOUSING APPLICANTS..... | 169 |
| 14-I.A. OVERVIEW..... | 169 |
| 14-I.B. INFORMAL HEARING PROCESS | 169 |
| PART II: INFORMAL HEARINGS WITH REGARD TO NONCITIZENS..... | 172 |
| 14-II.A. HEARING AND APPEAL PROVISIONS FOR NONCITIZENS [24 CFR 5.514] | 172 |
| PART III: GRIEVANCE PROCEDURES FOR PUBLIC HOUSING RESIDENTS | 174 |
| 14-III.A. OVERVIEW | 174 |
| 14-III.A. REQUIREMENTS [24 CFR 966.52] | 174 |
| 14-III.B. DEFINITIONS [24 CFR 966.53 and 24 CFR 966.51(a)(2)(i)]..... | 174 |
| 14-III.C. APPLICABILITY [24 CFR 966.51]..... | 174 |
| 14-III.D. INFORMAL SETTLEMENT OF GRIEVANCE [24 CFR 966.54] | 174 |
| 14-III.E. PROCEDURES TO OBTAIN A HEARING..... | 174 |
| 14-III.F. SELECTION OF HEARING OFFICER [24 CFR 966.53(e)] | 175 |
| 14-III.G. REMOTE HEARINGS [Notice PIH 2020-32] | 175 |
| 14-III.H. PROCEDURES GOVERNING THE HEARING [24 CFR 966.56]..... | 176 |
| 14-III.I. DECISION OF THE HEARING OFFICER [24 CFR 966.57]..... | 177 |

| | |
|---|------------|
| CHAPTER 15 PROGRAM INTEGRITY | 180 |
| PART I. PREVENTING, DETECTING, AND INVESTIGATING ERRORS AND PROGRAM ABUSE | 181 |
| 15-I.A. PREVENTING ERRORS AND PROGRAM ABUSE | 181 |
| 15-I.B. DETECTING ERRORS AND PROGRAM ABUSE..... | 181 |
| 15-I.C. INVESTIGATING ERRORS AND PROGRAM ABUSE..... | 182 |
| PART II. CORRECTIVE MEASURES AND PENALTIES..... | 184 |
| 15-II.A. UNDER- OR OVERPAYMENTS..... | 184 |
| 15-II.B. FAMILY-CAUSED ERRORS AND PROGRAM ABUSE..... | 184 |
| 15-II.C. GRHC-CAUSED ERRORS OR PROGRAM ABUSE | 185 |
| 15-II.D. CRIMINAL PROSECUTION..... | 186 |
| 15-II.E. FRAUD AND PROGRAM ABUSE RECOVERIES..... | 186 |
| CHAPTER 16 PROGRAM ADMINISTRATION | 187 |
| PART I: SETTING UTILITY ALLOWANCES [24 CFR 965 SUBPART E] | 188 |
| 16-I.A. OVERVIEW..... | 188 |
| 16-I.B. UTILITY ALLOWANCES | 188 |
| 16-I.C. SURCHARGES FOR GRHC-FURNISHED UTILITIES [24 CFR 965.506]..... | 188 |
| 16-I.D. NOTICE REQUIREMENTS [965.502] | 188 |
| 16-I.E. REASONABLE ACCOMMODATION [24 CFR 965.508]..... | 188 |
| PART II: ESTABLISHING FLAT RENTS | 189 |
| 16-II.A. OVERVIEW | 189 |
| 16-II.B. FLAT RENTS [24 CFR 960.253(b) and Notice PIH 2017-23]..... | 189 |
| PART III: FAMILY DEBTS TO THE GRHC..... | 190 |
| 16-III.A. OVERVIEW..... | 190 |
| 16-III.B. REPAYMENT POLICY..... | 190 |
| PART IV: PUBLIC HOUSING ASSESSMENT SYSTEM (PHAS)..... | 193 |
| 16-IV.A. OVERVIEW..... | 193 |
| 16-IV.B. PHAS INDICATORS/SCORING [24 CFR 902 Subparts A, B, C, D, E, F]..... | 193 |
| PART V: RECORD KEEPING | 195 |
| 16-V.A. OVERVIEW..... | 195 |
| 16-V.B. RECORD RETENTION [24 CFR 908.101 and 24 CFR 982.158]..... | 195 |
| 16-V.C. RECORDS MANAGEMENT..... | 195 |
| PART VI: REPORTING AND RECORD KEEPING FOR CHILDREN WITH ELEVATED BLOOD LEAD LEVEL..... | 197 |
| 16-VI.A. REPORTING REQUIREMENTS [24 CFR 35.1130(e); Notice PIH 2017-13] | 197 |
| PART VII: VIOLENCE AGAINST WOMEN ACT (VAWA): NOTIFICATION, DOCUMENTATION, AND CONFIDENTIALITY | 198 |
| 16-VII.A. OVERVIEW..... | 198 |
| 16-VII.B. DEFINITIONS [24 CFR 5.2003, FR Notice 8/6/13] | 198 |
| 16-VII.C. NOTIFICATION [24 CFR 5.2005(a)] | 198 |
| 16-VII.D. DOCUMENTATION [24 CFR 5.2007]..... | 199 |
| 16-VII.E. CONFIDENTIALITY [24 CFR 5.2007(b)(4)] | 200 |
| PART VIII: OVER INCOME LIMITS | 201 |
| 16.I.A Over-Income Families | 201 |
| EXHIBIT 16-1: SAMPLE NOTICE OF OCCUPANCY RIGHTS UNDER THE VIOLENCE AGAINST WOMEN ACT, FORM HUD-5380 | 203 |
| EXHIBIT 16-2: CERTIFICATION OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING AND ALTERNATE DOCUMENTATION, FORM HUD-5382 | 208 |
| EXHIBIT 16-3: EMERGENCY TRANSFER PLAN FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING (HCV VERSION)..... | 210 |
| EXHIBIT 16-4: EMERGENCY TRANSFER REQUEST FOR CERTAIN VICTIMS OF DOMESTIC VIOLENCE, | |

| | |
|---|------------|
| DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING, FORM HUD-5383 | 213 |
| GLOSSARY..... | 222 |

INTRODUCTION

MOVING TO WORK (MTW DEMONSTRATION PROGRAM AS APPLICABLE TO THE ADMISSIONS AND CONTINUED OCCUPANCY PLAN

The Moving to Work (MTW) Demonstration program was originally authorized by Section 204 of the Omnibus Consolidation Rescission and Appropriations Act of 1996 (Public Law 104-134, 110 Stat 1321), dated April 26, 1996. This demonstration program offers public housing authorities the opportunity to design and test innovative, locally designed housing and self-sufficiency strategies for low-income families by allowing exemptions from certain public housing rules. Section 239 of the Fiscal year 2016 Appropriations Act, P.L 114-113 (2016 MTW Statute) authorized HUD to expand the MTW Demonstration Program by designating an additional 100 PHAs over seven years (here after, the “MTW Expansion”). The 2016 MTW Expansion Statute provides that PHAs selected as part of the MTW Expansion must be high performers, meet certain size and Rental Assistance Demonstration (RAD) requirements, and represent geographic diversity across the country. All PHAs selected for the MTW Expansion must follow the selection notice for their applicable cohort. The Grand Rapids Housing Commission (GRHC) was selected to participate in the Moving to Work (MTW) Demonstration program under the Asset Building Cohort in 2022 as one of 129 PHAs in the nation out of approximately 3,300. Asset building is defined as activities that encourage the growth of savings accounts and/or aim to build credit for assisted household. GRHC executed its MTW agreement with HUD November 2022 with an effective date of December 1, 2022. A copy of GRHC’s MTW Supplement Plan (as part of the Agency’s Annual Plan) can be found on the GRHC website at www.grhousing.org or at the main office at 1420 Fuller Avenue, SE, Grand Rapids, MI 49507. The MTW flexibilities authorized by HUD for the GRHC are incorporated within this ACOP and can easily be identified in grey boxes and identified as MTW policy. It is important to note when reviewing the ACOP, MTW policies and procedures may conflict with HUD regulatory requirements as permitted by the MTW Supplement and HUD approval. Where no MTW policy or procedure exists, then standard LIPH rules and regulations apply.

ABOUT THE REFERENCES CITED IN THE GRAND RAPIDS HOUSING COMMISSIONS’S ACOP FOR POLICIES IN THE ACOP

The authority for GRHC policies is derived from many sources. Primary among these sources are federal statutes, federal regulations, and guidance issued by HUD. State law also directs GRHC policy. State law must be followed where such law exists and does not conflict with federal regulations. Industry practice may also be used to develop policy if it does not conflict with federal requirements or prohibitions.

HUD

HUD provides the primary source of GRHC policy through federal regulations, HUD notices, and handbooks. Compliance with federal regulations, current HUD notices, and current HUD handbooks is mandatory. HUD also provides guidance to the GRHC through other means such as HUD-published guidebooks, expired HUD notices, and expired handbooks. Basing GRHC policy on HUD guidance is optional, as long as the GRHC policies comply with federal law, federal regulations and mandatory policy. Because HUD has already determined that the guidance it provides is consistent with mandatory policies, GRHC reliance on HUD guidance provides the GRHC with a “safe harbor.” Material posted on the HUD website can provide further clarification of HUD policies. For example, FAQs on the HUD website can provide direction on the application of federal regulations in various aspects of the program.

State Law

Where there is no mandatory federal guidance, the GRHC must comply with state law, if it exists. Where state law is more restrictive than federal law, but does not conflict with it, the GRHC should follow the state law.

Industry Practice

Where no law or HUD authority exists on a particular subject, industry practice may support GRHC policy. Industry practice refers to a way of doing things or a policy that has been adopted by a majority of PHAs.

RESOURCES CITED IN THE ACOP

The GRHC LIPH ACOP cites several documents. Where a document or resource is cited frequently, it may be abbreviated. Where it is cited only once or twice, the GRHC ACOP may contain the entire name of the document or resource. Following is a key to abbreviations used for various sources that are frequently cited in the ACOP and a list of references and document locations that are referenced in the ACOP or that may be helpful to you.

HUD HCV Guidebook

Although the LIPH ACOP is not regulated by the Housing Choice Vouchers (HCV), the GRHC will utilize the HUD HCV guidebook when LIPH Rules and regulations do not provide guidance on certain issued as safe harbor.

In November 2019 HUD began issuing a new version of the HCV Guidebook chapter-by-chapter. Unlike the previous version of the HCV Guidebook in which chapters were numbered, the new version of the guidebook includes chapter names, but no numbers. As the new version of the guidebook has not yet been fully released, and since the previous version of the guidebook contains guidance not found in the new version, the GRHC policy cites both versions of the guidebook. Therefore, where the HCV Guidebook is cited in the GRHC policy, the citation will make a distinction between the “old” and “new” versions of the guidebook. The “old” version of the guidebook will continue to be cited as *HCV GB* with a chapter/page reference (example: *HCV GB*, p. 5-4). If HUD has also released a new chapter on the same topic with information that either adds new information or updates existing information from the previous guidebook, the new guidebook will be cited as *New HCV GB* with a chapter title and page reference (example: *New HCV GB*, *Payment Standards*, p. 11).

MTW Operations Notice

This Moving to Work (MTW) Operations Notice (MTW Operations Notice) establishes requirements for the implementation and continued operation of the expansion of the MTW demonstration program pursuant to Section 239 of the Fiscal Year 2016 Appropriations Act, P.L. 114-113 (2016 MTW Expansion Statute). The MTW Operations Notice applies to all public housing agencies (PHAs) designated as MTW pursuant to the 2016 MTW Expansion Statute and to any previously designated MTW agency that elects to operate under the terms of this notice, collectively referred to in this MTW Operations Notice as an “MTW agency.”

The MTW demonstration program allows PHAs to design and test innovative, locally- designed housing and self-sufficiency strategies for low-income families by permitting PHAs to use assistance received under Sections 8 and 9 of the Housing Act of 1937, as amended, 42 U.S.C. § 1437 et seq. (1937 Act) more flexibly and as approved by HUD, with certain exemptions from existing public housing and HCV program requirements.

Through the MTW Amendment to the Annual Contributions Contract(s) (ACC)¹, an MTW agency agrees to comply with the program requirements and terms and conditions detailed in the MTW Operations Notice for the term of the MTW agency's participation in the MTW demonstration. Unless otherwise explicitly provided in the MTW Operations Notice, an MTW agency's MTW program applies to all the MTW agency's public housing units (including MTW agency-owned properties and units comprising a part of mixed-income, mixed finance communities), tenant-based HCV assistance, project-based HCV assistance under Section 8(o) of the 1937 Act, and homeownership units developed using Section 8(y) HCV assistance of the 1937 Act.

Abbreviations

Throughout the GRHC ACOP, abbreviations are used to designate certain documents in citations. The following is a table of abbreviations of documents cited in the GRHC administrative plan.

| Abbreviation | Document |
|--------------|--|
| CFR | Code of Federal Regulations |
| PIH GB | PUBLIC HOUSING OCCUPANCY GUIDEBOOK |
| HUD-50058 IB | HUD-50058 Instruction Booklet |
| RHIIP FAQs | Rental Housing Integrity Improvement Program (RHIIP) Frequently Asked Questions. |
| VG | PIH Notice 2004-01 Verification Guidance, March 9, 2004. |
| HB 4350.3 | Occupancy Requirements of Subsidized Multifamily Housing Programs |
| HCV GB | Housing Choice Voucher Guidebook |

Resources and Where to Find Them

Following is a list of resources helpful to the GRHC or referenced in the GRHC ACOP plan, and the online location of each.

| Document and Location |
|--|
| Code of Federal Regulations https://www.ecfr.gov/ |
| Earned Income Disregard FAQ https://www.hud.gov/program_offices/public_indian_housing/phr/about/ao_faq_eid |
| Eligibility of Students for Assisted Housing Under Section 8 of the U.S. Housing Act of 1937, Final Rule http://edocket.access.gpo.gov/2008/pdf/E8-19435.pdf |
| Enterprise Income Verification (EIV) System, Security Procedures for Upfront Income Verification data https://www.hud.gov/sites/documents/EIVSECGUIDEPHA.PDF |
| Executive Order 11063 https://www.archives.gov/federal-register/codification/executive-order/11063.html |

| |
|--|
| Federal Register https://www.federalregister.gov/ |
| HUD-50058 Instruction Booklet https://www.hud.gov/sites/documents/FORM50058INSTRUCTBOOKLET.PDF |
| Joint Statement of the Department of Housing and Urban Development and the Department of Justice, issued May 17, 2004 https://www.justice.gov/sites/default/files/crt/legacy/2010/12/14/joint_statement_ra.pdf |
| Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, published January 22, 2007 https://www.lep.gov/guidance/HUD_guidance_Jan07.pdf |
| Notice PIH 2010-26 (HA), Nondiscrimination and Accessibility Notice https://www.hud.gov/sites/documents/DOC_8993.PDF |
| Notice PIH 2017-12, Administrative Guidance for Effective and Mandated Use of the Enterprise Income Verification (EIV) System https://www.hud.gov/sites/documents/PIH2017-12EIVNOTICE.PDF |
| Notice PIH 2018-24, Verification of Social Security Numbers (SSNs) and Social Security (SS) and Supplemental Security Income (SSI) Benefits; and Effective Use of the Enterprise Income Verification (EIV) System's Identity Verification Report https://www.hud.gov/sites/dfiles/PIH/documents/PIH-2018-24_EIV_SSN_Notice_FINAL.pdf |
| OMB Circular A-133 https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/circulars/A133/a133.pdf |
| VAWA Final Rule http://www.gpo.gov/fdsys/pkg/FR-2010-10-27/pdf/2010-26914.pdf |
| Move to Work Operations Manual Notice Final Ops Notice Part VI for web 8.15.20.docx (hud.gov) |
| PUBLIC HOUSING OCCUPANCY GUIDEBOOK https://www.hud.gov/program_offices/public_indian_housing/programs/ph/mod/guidebook The HUD website is https://www.hud.gov/ . HCV Guidebook, handbooks, and other HUD resources may be found at the HUDClips website: https://www.hud.gov/program_offices/administration/hudclips . https://www.hud.gov/program_offices/public_indian_housing/programs/hcv/guidebook |

CHAPTER 1 INTRODUCTION

OVERVIEW OF THE PROGRAM AND PLAN

The Grand Rapids Housing Commission (GRHC) receives funding for the Public Housing program from the Department of Housing and Urban Development (HUD). The GRHC is not a federal department or agency. The Commission is a quasi-governmental entity, created and authorized by state law to develop and operate housing and housing programs for low-income families. The Grand Rapids Housing Commission must ensure compliance with federal laws, regulations and notices and must establish policy and procedures to clarify federal requirements and to ensure consistency in program operations.

This chapter contains information about the GRHC and its programs with emphasis on the public housing program. It also contains information about the purpose, intent and use of the Admission and Continued Occupancy Policy (ACOP) and guide.

Part I: The Public Housing Agency (PHA). This part includes a description of the GRHC, its jurisdiction, its programs, and its mission and intent.

Part II: The Public Housing Program. This part contains information about the public housing program operation, roles and responsibilities, and partnerships.

Part III: The Admissions and Continued Occupancy Policy (ACOP). This part discusses the purpose and organization of the ACOP and its revision schedule. The instructions also contain guidance for each chapter and how to use the document within your agency.

PART I: THE GRHC

1-I.A. OVERVIEW

This Admissions and Continued Occupancy Policy defines the Grand Rapids Housing Commission's policies for the operation for the Public Housing Program, incorporating Federal, State and local law. If there is any conflict between this policy and laws or regulations, the laws and regulations will prevail.

1-I.B. ORGANIZATION AND STRUCTURE OF THE GRHC

The Public Housing Program is funded by the federal government and administered by the Grand Rapids Housing Commission (GRHC) for the jurisdiction of the City Grand Rapids/County of Kent. The officials of the GRHC are known as commissioners or, collectively, as the board of commissioners. Commissioners are appointed in accordance with state housing law and generally serve in the same capacity as the directors of a corporation, establishing policies under which the GRHC conducts business, ensuring that policies are followed by GRHC staff and ensuring that the GRHC is successful in its mission. The board is responsible for preserving and expanding the agency's resources and assuring the agency's continued viability. Formal actions of the GRHC are taken through written resolutions, adopted by the board of commissioners, and entered into the official records of the GRHC. The principal staff member of the GRHC is the executive director (ED), hired and appointed by the board of commissioners. The executive director is directly responsible for carrying out the policies established by the board and is delegated the responsibility for hiring, training and supervising the GRHC staff in order to manage the day-to-day operations of the GRHC. The executive director is responsible for ensuring compliance with federal and state laws and directives for the programs managed. In addition, the executive director's duties include budgeting and financial planning for the agency.

1-I.C. GRHC MISSION STATEMENT

The Grand Rapids Housing Commission provides housing assistance and affordable housing opportunities to lower-income families, people with disabilities and senior citizens in a manner that is fiscally sound and in ways that support families, neighborhoods and economic self-sufficiency.

1-I.D. THE GRHC'S COMMITMENT TO ETHICS AND SERVICE

As a public service agency, the GRHC is committed to providing excellent service to LIPH program participants, owners, and to the community. The GRHC's standards include:

- Administer applicable federal and state laws and regulations to achieve high ratings in performance measurement indicators while maintaining efficiency in program operation to ensure fair and consistent treatment of clients served.
- Provide decent, safe, and sanitary housing – in compliance with program housing quality standards – for very low- income families while ensuring that family rents are fair, reasonable, and affordable.
- Encourage self- sufficiency of participant families and assist in the expansion of family opportunities which address educational, socio-economic, recreational, and other human service's needs.
- Promote fair housing and the equal opportunity for very low-income families of all ethnic backgrounds to experience freedom of housing choice.
- Promote a housing program which maintains quality service and integrity while providing an incentive to private property owners to rent to very low-income families.

- Promote a market-driven housing program that will help qualified low-income families be successful in obtaining affordable housing and increase the supply of housing choices for such families.
- Create positive public awareness and expand the level of family, owners, and community support in accomplishing the GRHC's mission.
- Attain and maintain a high level of standards and professionalism in day-to-day management of all program components.
- Administer an efficient, high-performing agency through continuous improvement of the GRHC's support systems and a high level of commitment to our employees and their development. The GRHC will make every effort to keep program participants informed of LIPH program rules and regulations, and to advise participants of how the program rules affect them.

The GRHC also abides by the Conflict-of-Interest Policies and Procedures adopted by the board and conducts annual ethics training.

PART II: THE PUBLIC HOUSING PROGRAM

1-II.A. OVERVIEW AND HISTORY OF THE PROGRAM

This part contains information about the public housing program operation, roles and responsibilities, and partnerships. The United States Housing Act of 1937 (the “Act”) is responsible for the birth of federal housing program initiatives. The Act was intended to provide financial assistance to states and cities for public works projects, slum clearance and the development of affordable housing developments for low-income residents. Public housing is the oldest and, until recently, largest housing subsidy program in the country.

1-II.B. PUBLIC HOUSING PROGRAM BASICS

This section provides information on the basics of program operation. It is intended to assist the audience in understanding the program. Public housing was established to provide decent and safe rental housing for eligible low-income families, the elderly, and persons with disabilities. Public housing comes in all sizes and types, from scattered single-family houses to high rise apartments for elderly families. There are approximately 970,000 households living in public housing units, managed by some 3,200 HAs. The U.S. Department of Housing and Urban Development (HUD) administers Federal aid to local housing agencies (HAs) that manage the housing for low-income residents at rents they can afford. HUD furnishes technical and professional assistance in planning, developing, and managing these developments. Public housing is limited to low-income families and individuals. An HA determines your eligibility based on 1) annual gross income; 2) whether you qualify as elderly, a person with a disability, or as a family; and 3) U.S. citizenship or eligible immigration status. If you are eligible, the HA will check your references to make sure you and your family will be good tenants. HAs will deny admission to any applicant whose habits and practices may be expected to have a detrimental effect on other tenants or on the project's environment. HAs use income limits developed by HUD. HUD sets the lower income limits at 80% and very low-income limits at 50% of the median income for the county or metropolitan area in which you choose to live. Income limits vary from area to area so you may be eligible at one HA but not at another. The HA serving your community can provide you with the income levels for your area and family size, or you can also find the income limits here on the internet.

1-II.C. THE PUBLIC HOUSING PARTNERSHIPS

Each year, Congress appropriates funding to HUD who then distributes the funding to local housing agencies to administer the programs through an Annual Contributions Contract. The GRHC administers the programs in accordance with federal, state and local laws and program regulations. GRHC enters into lease agreements with households who need assistance through the programs it administers. The GRHC also partners with other organizations to provide services and support for the families it serves that promote economic self-sufficiency and ensure independent living.

What Does HUD Do?

HUD has the following major responsibilities:

- Develop regulations, requirements, handbooks, notices and other guidance to implement housing program legislation passed by Congress.
- Allocate program funds to PHAs.
- Provide technical assistance to PHAs on interpreting and applying program requirements.
- Monitor PHA compliance with program requirements and PHA performance in program administration.

What Does the PHA Do?

The PHA administers the LIPH program under contract with HUD and has the following major responsibilities:

- Establish local policies to administer the program;
- Review applications from interested applicants to determine whether they are eligible for the program;
- Maintain a waiting list and select families for admission;
- Lease units to eligible families;
- Recertify families for continued eligibility under the program;
- Provide families and other partners with prompt, professional service;
- Comply with all fair housing and equal opportunity requirements, HUD regulations and requirements, the Annual Contributions Contract, HUD-approved applications for funding,
- Abide by the GRHC Admissions and Continued Occupancy plan, and other applicable federal, state and local laws

What Does the Family Do?

The family has the following responsibilities:

- Provide the PHA with complete and accurate information as determined by the PHA to be necessary for administration of the program;
- Attend all appointments scheduled by the PHA;
- Allow the PHA to inspect the unit at reasonable times and after reasonable notice;
- Take responsibility for care of the housing unit, including any violations of housing quality standards caused by the family;
- Comply with the terms of the lease;
- Not commit serious or repeated violations of the lease;
- Not engage in drug-related or violent criminal activity;
- Notify the PHA before moving or terminating the lease;
- Use the assisted unit only for residence and as the sole residence of the family.
- Not sublet the unit, assign the lease, or have any interest in the unit;
- Promptly notify the PHA of any changes in family composition;
- Not commit fraud, bribery, or any other corrupt or criminal act in connection with any housing programs

1-II.D. APPLICABLE REGULATIONS

Applicable regulations include:

- 24 CFR Part 5: General Program Requirements
- 24 CFR Part 8: Nondiscrimination
- 24 CFR Part 35: Lead-Based Paint
- 24 CFR Part 100: The Fair Housing Act
- 24 CFR Part 903: Public Housing Agency Plans
- 24 CFR Part 960: Admission to, and Occupancy of, Public Housing

PART III: THE ADMISSIONS AND CONTINUED OCCUPANCY POLICY

1-III.A. OVERVIEW AND PURPOSE OF THE POLICY

The Admissions and Continued Occupancy Plan (ACOP) is required by HUD. The purpose of the ACOP is to establish policies for carrying out the programs in a manner consistent with HUD requirements and local goals and objectives contained in the GRHC's agency plan. This ACOP is a supporting document to the PHA agency plan, and is available for public review as required by CFR 24 Part 903. The GRHC is responsible for complying with all changes in HUD regulations pertaining to the public housing program. If such changes conflict with this plan, HUD regulations will have precedence. Administration of the public housing program and the functions and responsibilities of the GRHC staff shall be in compliance with the GRHC policies and HUD regulations as well as all federal, state and local fair housing laws and regulations. HUD makes a distinction between:

- Mandatory policies: those driven by legislation, regulations, current handbooks, notices, and legal opinions, and
- Optional policies: which include non-binding guidance, including guidebooks, notices that have expired and recommendations from individual HUD staff.

HUD expects the GRHC to adopt local policies and procedures that are consistent with mandatory policies in areas where HUD gives the GRHC discretion. The ACOP is the foundation of those policies and procedures. HUD's directions require the GRHC to make policy choices that provide sufficient guidance to staff and ensure consistency to program applicants and participants. Creating policies based upon HUD guidance is not mandatory but provides the GRHC with a "safe harbor."

1-III.B. CONTENTS OF THE POLICY (24CFR 960)

The HUD regulations at 24 CFR 960 define the policies that must be included in the ACOP. They are as follows:

1. Subpart A - Applicability, Definitions, Equal Opportunity Requirements (§§ 960.101 - 960.103)
2. Subpart B - Admission (§§ 960.200 - 960.208)
3. Subpart C - Rent and Reexamination (§§ 960.253 - 960.261)
4. Subpart D - Preference for Elderly Families and Disabled Families in Mixed Population Projects (§§ 960.401 - 960.407)
5. Subpart E - Occupancy by Over-Income Families or Police Officers (§§ 960.503 - 960.505)
6. Subpart F - When Resident Must Perform Community Service Activities or Self-Sufficiency Work Activities (§§ 960.600 - 960.609)
7. Subpart G - Pet Ownership in Public Housing (§§ 960.701 - 960.707)

1-III.C. UPDATING AND REVISING THE POLICY

The GRHC will review and update the ACOP as needed to reflect changes in regulations, GRHC operations, or when needed to ensure staff consistency in operation.

Chapter 2

FAIR HOUSING AND EQUAL OPPORTUNITY

INTRODUCTION

This chapter explains the laws and HUD regulations requiring GRHCs to affirmatively further civil rights and fair housing in all federally assisted housing programs. The letter and spirit of these laws are implemented through consistent policy and procedures. The responsibility to further nondiscrimination pertains to all areas of the GRHC's public housing operations.

This chapter describes HUD regulations and GRHC policies related to these topics in three parts:

Part I: Nondiscrimination. This part presents the body of laws and regulations governing the responsibilities of the GRHC regarding nondiscrimination.

Part II: Policies Related to Persons with Disabilities. This part discusses the rules and policies of the public housing program related to reasonable accommodation for persons with disabilities. These rules and policies are based on the Fair Housing Act (42.U.S.C.) and Section 504 of the Rehabilitation Act of 1973 and incorporate guidance from the Joint Statement of The Department of Housing and Urban Development and the Department of Justice (DOJ), issued May 17, 2004.

Part III: Prohibition of Discrimination Against Limited English Proficiency Persons. This part details the obligations of the GRHC to ensure meaningful access to the public housing program and its activities by persons with limited English proficiency (LEP). This part incorporates the Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition against National Origin Discrimination Affecting Limited English Proficient Persons published January 22, 2007, in the *Federal Register*

PART I: NONDISCRIMINATION

2-I.A. OVERVIEW

This section provides the list of applicable federal nondiscrimination laws. The GRHC must also fully comply with any state and local laws, ordinances and regulations governing fair housing and equal opportunity, protecting the rights of tenants, applicants or staff.

2-I.B. NONDISCRIMINATION

The purpose of this policy is to ensure the GRHC treats applicants and residents fairly and consistently, and especially avoids discriminatory practices based on the federally protected classes of race, color, sex, religion, familial status, age, disability, or national origin, as well as additional protections afforded under the regulations and executive orders regarding gender identity, sexual orientation, and marital status. This obligation is central to HUD and the GRHC. The City of Grand Rapids in Section 9.955 includes Source of Income as a protected class in its jurisdiction. The GRHC will require compliance, where applicable.

Discrimination Complaints

While Notice PIH 2014-20 requires an articulated complaint process for allegations of discrimination under the Equal Access Final rule, we recommend establishing a policy for responding to all discrimination complaints. Applicants or tenant families who believe that they have been subject to unlawful discrimination may notify the GRHC either orally or in writing. Within 15 calendar days of receiving the complaint, the GRHC will provide a written notice to those alleged to have violated the rule. The GRHC will also send a written notice to the complainant informing them that notice was sent to those alleged to have violated the rule, as well as information on how to complete and submit a housing discrimination complaint form to HUD's Office of Fair Housing and Equal Opportunity (FHEO).

The GRHC will attempt to remedy discrimination complaints made against the GRHC and will investigate all allegations of discrimination. Within 15 calendar days following the conclusion of the GRHC's investigation, the GRHC will provide the complainant and those alleged to have violated the rule with findings and either a proposed corrective action plan or an explanation of why corrective action is not warranted. The GRHC will keep a record of all complaints, investigations, notices, and corrective actions.

PART II: POLICIES RELATED TO PERSONS WITH DISABILITIES

2-II.A. OVERVIEW

This part discusses the rules and policies of the public housing program related to reasonable accommodation for persons with disabilities. These rules and policies are based on the Fair Housing Act (42.U.S.C.) and Section 504 of the Rehabilitation Act of 1973 and incorporate guidance from the Joint Statement of The Department of Housing and Urban Development and the Department of Justice (DOJ), issued May 17, 2004. According to 24 CFR Parts 1, 8 and 100, persons with disabilities must be afforded opportunities equal to those afforded other. To carry this out, the GRHC should inquire of all applicants and resident families whether anyone in the family needs accommodation. There is no HUD requirement as to how, specifically, the GRHC must notify families of their right to request reasonable accommodation. It is in the best interests of applicants, residents and the GRHC, however, for the GRHC to inform applicants and resident families in key documents, such as intake, reexamination, and notices of adverse action, of their right to make such requests. The GRHC will ask all applicants and resident families if they require any type of accommodations, in writing, on the intake application, reexamination documents, and notices of adverse action by the GRHC, by including the following language: *“If you or anyone in your family is a person with disabilities, and you require a specific accommodation in order to fully utilize our programs and services, please contact the Housing Commission.”* The Asset Manager will be the contact person for requests related to reasonable accommodations or persons for disability. The Asset Manager can be reached at 616-235-2600, Ext 1222.

2-II.B. DEFINITION OF REASONABLE ACCOMMODATION

A person with a disability may require special accommodation to have equal access to the public housing program. The types of reasonable accommodations the GRHC can provide include changes, exceptions, or adjustments to a rule, policy, practice, or service.

2-II.C. REQUEST FOR AN ACCOMMODATION

The Joint Statement of the Departments of HUD and Justice: Reasonable Accommodation under the Fair Housing Act, issued May 17, 2004, clarified that, while it is usually helpful to both the requester and the GRHC to have the request for a reasonable accommodation made in writing, the GRHC must give appropriate consideration to reasonable accommodation requests even if the requester makes the request orally or does not use the GRHC’s preferred forms or procedures for making such requests. The GRHC will encourage the family to make its request in writing using a reasonable accommodation request form. However, the GRHC will consider the accommodation any time the family indicates that accommodation is needed whether a formal written request is submitted.

2-II.D. VERIFICATION OF DISABILITY

Before providing accommodation, the GRHC must determine that the person meets the applicable definition of a person with a disability, and that the accommodation will enhance the family’s access to the GRHC’s programs and services. Verification policies are contained in Chapter 7.

2-II.E. APPROVAL/DENIAL OF A REQUESTED ACCOMMODATION [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act, Notice PIH 2010-26].

After a request for accommodation is presented, the GRHC will respond, in writing, within 15 calendar days. If the GRHC denies a request for an accommodation because there is no

relationship, or nexus, found between the disability and the requested accommodation, the notice will inform the family of the right to appeal the GRHC's decision through an informal hearing (if applicable) or the grievance process (see Chapter 14). If the GRHC denies a request for an accommodation because it is not reasonable (it would impose an undue financial and administrative burden or fundamentally alter the nature of the GRHC's operations), the GRHC will discuss with the family whether an alternative accommodation could effectively address the family's disability-related needs without a fundamental alteration to the public housing program and without imposing an undue financial and administrative burden. If the GRHC believes that the family has failed to identify a reasonable alternative accommodation after interactive discussion and negotiation, the GRHC will notify the family, in writing, of its determination within 15 calendar days from the date of the most recent discussion or communication with the family. The notice will inform the family of the right to appeal the GRHC's decision through an informal hearing (if applicable) or the grievance process (see Chapter

2-II.F. PROGRAM ACCESSIBILITY FOR PERSONS WITH HEARING OR VISION IMPAIRMENTS [24 CFR 8.6]

24 CFR 8.6(a)(1) states that the GRHC shall take appropriate steps to ensure effective communication with applicants, beneficiaries, and members of the public and shall furnish appropriate auxiliary aids where necessary to afford an individual with handicaps an equal opportunity to participate in, and enjoy the benefits of, a program or activity receiving federal financial assistance. 24 CFR 8.6(a)(2) states that where a recipient of federal funds communicates with applicants and beneficiaries by telephone, telecommunication devices for deaf persons (TDD's) or equally effective communication devices shall be used. To meet the needs of people with hearing impairments, TTD/TTY (text telephone display / teletype) communication will be available. To meet the needs of people with vision impairments, large-print and audio versions of key program documents will be made available upon request. When visual aids are used in public meetings or presentations, or in meetings with GRHC staff, one-on-one assistance will be provided upon request. Additional examples of alternative forms of communication are sign language interpretation; having material explained orally by staff; or having a third-party representative (a friend, relative or advocate, named by the applicant) to receive, interpret, and explain housing materials and be present at all meetings.

2-II.G. PHYSICAL ACCESSIBILITY

The GRHC must comply with a variety of regulations pertaining to physical accessibility, including the following:

- Notice PIH 2010-26
- Section 504 of the Rehabilitation Act of 1973
- The Americans with Disabilities Act of 1990
- The Architectural Barriers Act of 1968
- The Fair Housing Act of 1988

GRHC will ensure the design, construction, or alteration of GRHC facilities conform to the Uniform Federal Accessibility Standards (UFAS). Newly constructed facilities must be designed to be readily accessible to and usable by persons with disabilities. Alterations to existing facilities must be accessible to the maximum extent feasible, defined as not imposing an undue financial and administrative burden on the operations of the LIPH program. In general, GRHC will permit additional reasonable modifications to the unit at the family's expense, but the family will be required to restore the unit to its original state at the family's expense when they moves

2-II.H. DENIAL OR TERMINATION OF ASSISTANCE [24 CFR 966.7]

If the GRHC denies or terminates the assistance of a family that includes a person with a disability, GRHC may reconsider the decision based on a reasonable accommodation

PART III: IMPROVING ACCESS TO SERVICES FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY (LEP)

2-III.A. OVERVIEW

This part details the obligations of the GRHC to ensure meaningful access to the public housing program and its activities by persons with limited English proficiency (LEP). This part incorporates the Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition against National Origin Discrimination Affecting Limited English Proficient Persons published January 22, 2007, in the *Federal Register*. Under Title VI of the Civil Rights Act, recipients of federal financial assistance have a responsibility to ensure meaningful access to their programs and activities by persons with limited English proficiency (LEP). Executive Order 13166 requires implementation of this provision of Title VI of the Civil Rights Act. On January 22, 2007, in the *Federal Register*, HUD published a notice explaining the responsibilities of recipients of federal financial assistance to ensure meaningful access to their programs and activities by persons with limited English proficiency (LEP).

2-III.B. ORAL INTERPRETATION

Per the Federal Register and notice PIH 2020-3, issued November 20, 2020, the GRHC will implement the following:

- The GRHC will utilize a language line for telephone interpreter services.
- When exercising the option to conduct remote hearings, however, the GRHC will coordinate with a remote interpretation service which, when available, uses video conferencing technology rather than voice-only interpretation.
- Where LEP persons desire, they will be permitted to use, at their own expense, an interpreter of their own choosing, in place of or as a supplement to the free language services offered by the GRHC.
- The GRHC, at its discretion, may choose to use the language services even when LEP persons desire to use an interpreter of their choosing. The interpreter may be a family member or friend. If the interpreter chosen by the family is a minor, the GRHC will not rely on the minor to serve as the interpreter.
- The GRHC will analyze the various kinds of contacts it has with the public, to assess language needs and decide what reasonable steps should be taken. “Reasonable steps” may not be reasonable where the costs imposed substantially exceed the benefits.
- Where feasible and possible, according to its language assistance plan (LAP), the GRHC will train and hire bilingual staff to be available to act as interpreters and translators, will pool resources with other PHA’s, and will standardize documents.

2-III.C. WRITTEN TRANSLATION

Regarding written translation, the Federal Register notice of January 22, 2007, provides “safe harbor” guidance regarding written translation. “Safe harbor” means that if the GRHC provides written translations under this guidance, such action will be considered strong evidence of compliance. The GRHC will provide written translations of vital documents for each eligible LEP language group that constitutes 5 percent or 1,000 persons, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally; or If there are fewer than 50 persons in a language group that reaches the 5 percent trigger, the GRHC may not translate vital written materials, but will provide written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

2-III.D. IMPLEMENTATION PLAN

The January 22, 2007, Federal Register notice states that after completing the four- factor analysis and deciding what language services are appropriate, the GRHC should develop an implementation plan. If it is determined that the GRHC serves very few LEP persons, and the GRHC has very limited resources, the GRHC will not develop a written LEP plan, but will consider alternative ways to articulate in a reasonable manner a plan for providing meaningful access. Entities having significant contact with LEP persons, such as schools, grassroots and faith-based organizations, community groups, and groups working with new immigrants will be contacted for input into the process. If the GRHC determines it is appropriate to develop a written LEP plan, the following five steps will be taken: (1) Identifying LEP individuals who need language assistance; (2) identifying language assistance measures; (3) training staff; (4) providing notice to LEP persons; and (5) monitoring and updating the LEP plan.

Chapter 3

ELIGIBILITY

Introduction

This chapter describes HUD and the GRHC policies for initial and ongoing eligibility and factors related to denial. This chapter contains three parts:

Part I: Definitions of Family and Household Members. This part contains HUD and GRHC definitions of family and household members and explains initial and ongoing eligibility issues related to these members.

Part II: Basic Eligibility Criteria. This part discusses income eligibility, and rules regarding citizenship, social security numbers, and family consent.

Part III: Denial of Admission. This part covers factors related to an applicant's past or current conduct (e.g., criminal activity) that can cause the GRHC to deny admission.

PART I: DEFINITIONS OF FAMILY AND HOUSEHOLD MEMBERS

3-I.A. OVERVIEW

This part contains HUD and GRHC definitions of family and household members and explains initial and ongoing eligibility issues related to these members.

To be eligible for the LIPH program:

- The applicant family must:
 - Qualify as a family as defined by HUD and the PHA.
 - Have income at or below HUD-specified income limits.
 - Qualify based on citizenship or the eligible immigrant status of family members.
 - Provide social security number information for household members as required.
 - Consent to the PHA's collection and use of family information as provided for in provided consent forms.
 - Not currently receiving a duplicative subsidy.
- The GRHC must determine that the current or past behavior of household members does not include activities that are prohibited by HUD or the GRHC.

Some eligibility criteria and program rules vary depending upon the composition of the family requesting assistance. In addition, some requirements apply to the family as a whole and others apply to individual persons who will live in the assisted unit. This part provides information that is needed to correctly identify family and household members, and to apply HUD's eligibility rules.

3-I.B. FAMILY AND HOUSEHOLD [24 CFR 5.105(a)(2), 24 CFR 5.403, FR Notice 02/03/12, and Notice PIH 2014-20]

This section of the ACOP clarifies the meaning of the term's *family* and *household* and presents HUD's definitions of the terms. The GRHC will use HUD'S definition of family and household. *Family* as defined by HUD includes, but is not limited to the following, regardless of actual or perceived sexual orientation, gender identity, or marital status, a single person, who may be an elderly person, disabled person, near-elderly person, or any other single person; or a group of persons residing together. Such group includes but is not limited to a family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family), an elderly family, a near-elderly family, a disabled family, a displaced family, or the remaining member of a tenant family.

- *Gender Identity* means actual or perceived gender characteristics.
- *Sexual orientation* means homosexuality, heterosexuality, or bisexuality.
- *Household* as defined by HUD includes all members of the family, live-in aides, foster children, and foster adults.

All household members are listed on the lease, and no one other than household members are listed on the lease.

The GRHC will also implement recommendations regarding households including full-time college students where there is no parents or guardian in the household as outlined in Notice PIH 2005-16. A family also includes two or more individuals who are not related by blood, marriage, adoption, or other operation of law, but who either can demonstrate that they have lived together previously or certify that each individual's income and other resources will be available to meet the needs of the family. Each family must identify the individuals to be included in the family at the time of application and must update this information if the family's composition changes. A household consisting exclusively of one or more full-time college students does not qualify as a family unless each individual in the household satisfies the following conditions:

- The individual either must have established a household separate from his/her parents or

legal guardians for at least one year prior to application for admission or must meet the U.S. Department of Education's definition of independent student.

- The individual must not be claimed as a dependent by his/her parents or legal guardians pursuant to Internal Revenue Service (IRS) regulations.

3-I.C. FAMILY BREAKUP AND REMAINING MEMBER OF TENANT FAMILY

Family Breakup

Except under the following conditions, the GRHC has discretion to determine which members of an assisted family continue to receive assistance if the family breaks up:

- If the family breakup results from an occurrence of domestic violence, dating violence, sexual assault, or stalking, the GRHC must ensure that the victim retains assistance. (For documentation requirements and policies related to domestic violence, dating violence, sexual assault, and stalking, see section 16-VII.D of this plan.)
- If a court determines the disposition of property between members of the assisted family, the GRHC is bound by the court's determination of which family members continue to receive assistance.

When a family on the waiting list breaks up into two otherwise eligible families, only one of the new families may retain the original application date. Other former family members may submit a new application with a new application date if the waiting list is open.

- If a family breaks up into two otherwise eligible families while living in public housing, only one of the new families will retain occupancy of the unit.
- If a court determines the disposition of property between members of an applicant or resident family, the GRHC will abide by the court's determination.

In the absence of a judicial decision or an agreement among the original family members, the GRHC will determine which family will retain their placement on the waiting list or continue in occupancy. In making its determination, the GRHC will take into consideration the following factors:

1. The interest of any minor children, including custody arrangements;
2. The interest of any ill, elderly, or disabled family members;
3. The interest of any family member who is or has been the victim of domestic violence, dating violence, sexual assault, or stalking, including a family member who was forced to leave a public housing unit as a result of such actual or threatened abuse, and provides documentation in accordance with section 16-VII.D of this ACOP;
4. Any possible risks to family members as a result of domestic violence or criminal activity; and (5) the recommendations of social service professionals.

Remaining Member of a Tenant Family [24 CFR 5.403]

The HUD definition of family includes the *remaining member of a tenant family*, which is a member of an assisted family who remains in the unit when other members of the family have left the unit. If dependents are remaining members of a tenant family, and there is no family member able to assume the responsibilities of the head of household, see Chapter 6, Section 6-I.B, for the policy on "Caretakers for a Child."

3-I.D. HEAD OF HOUSEHOLD [24 CFR 5.504(b)]

Head of household means the adult member of the family who has been designated by the family as the head for purposes of determining income eligibility and rent. The head of household is responsible for ensuring that the family fulfills all its responsibilities under the program, alone or in conjunction with a cohead or spouse. The family may designate any qualified family member

as the head of household. The head of a household must have the legal capacity to enter into a lease under state and local law. A minor who is emancipated under state law may be designated as head of household.

3-I.E. SPOUSE, COHEAD, AND OTHER ADULT

This section specifies who may be considered a spouse, cohead, or other adult. A family may have a spouse or cohead, but not both [HUD-50058 IB, p. 13]. A *marriage partner* includes the partner in a "common law" marriage as defined in state law. The term "spouse" does not apply to friends, significant others who are not marriage partners, or roommates. A minor who is emancipated under state law may be designated as a spouse. Minors who are emancipated under state law may be designated as a cohead.

3-I.F. DEPENDENT [24 CFR 5.603]

Dependents that are subject to a joint custody arrangement will be considered a member of the family if they live with the applicant or resident family 50 percent or more of the time.

When more than one applicant or assisted family (regardless of program) are claiming the same dependents as family members, the family with primary custody at the time of the initial examination or reexamination will be able to claim the dependents. If there is a dispute about which family should claim them, the GRHC will make the determination based on available documents such as court orders, an IRS income tax return showing which family has claimed the child for income tax purposes, school records, or other credible documentation.

3-I.G. FULL-TIME STUDENT [24 CFR 5.603]

A *full-time student (FTS)* is a person who is attending school or vocational training on a full-time basis. The time commitment or subject load that is needed to be full-time is defined by the educational institution. Identifying each FTS is important because: (1) each family member that is an FTS, other than the head, spouse, or cohead, qualifies the family for a dependent allowance, and (2) the earned income of such an FTS is treated differently from the income of other family members.

3-I.H. ELDERLY AND NEAR-ELDERLY PERSONS, AND ELDERLY FAMILY [24 CFR 5.100 and 5.403]

- An *elderly person* is a person who is at least 62 years of age.
- A *near-elderly person* is a person who is 50-61 years of age.
- An *elderly family* is one in which the head, spouse, cohead, or sole member is an elderly person.

Identifying elderly families is important because elderly families qualify for the elderly family allowance.

3-I.I. PERSONS WITH DISABILITIES AND DISABLED FAMILY [24 CFR 5.403]

This section provides the regulatory definitions for these two terms. These definitions are used for ensuring that persons with disabilities are not discriminated against based upon disability. Refer to Chapter 2, for more information on reasonable accommodation based upon a person's disability. Key aspects of the definitions are provided in this section of the ACOP. The full definitions are included in Exhibit 3-1 at the end of the chapter.

Disabled Family: A family whose head, spouse, or sole member is a person with disabilities; two

or more persons with disabilities living together; or one or more persons with disabilities living with one or more live-in aides. [24 CFR 5.403(b)] (Also see "person with disabilities.")

Person with Disabilities: A person who:

- A. Has a disability as defined in Section 223 of the Social Security Act, which states:
 - 1. "Inability to engage in any substantial, gainful activity by reason of any medically determinable physical or mental impairment that can be expected to result in death or that has lasted or can be expected to last for a continuous period of not less than 12 months, or
 - 2. In the case of an individual who attained the age of 55 and is blind and unable by reason of such blindness to engage in substantial, gainful activity requiring skills or ability comparable to those of any gainful activity in which he/she has previously engaged with some regularity and over a substantial period of time."
- B. Is determined, pursuant to regulations issued by the Secretary, to have a physical, mental, or emotional impairment that:
 - 1. Is expected to be of long-continued and indefinite duration;
 - 2. Substantially impeded his/her ability to live independently; and
 - 3. Is of such a nature that such ability could be improved by more suitable housing conditions, or
- C. Has a developmental disability as defined in Section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act, which states:
 - "Severe chronic disability that:
 - 1. Is attributable to a mental or physical impairment or combination of mental and physical impairments;
 - 2. Is manifested before the person attains age 22;
 - 3. Is likely to continue indefinitely;
 - 4. Results in substantial functional limitation in three or more of the following areas of major life activity; (1) self care, (2) receptive and responsive language, (3) learning, (4) mobility, (e) self-direction, (6) capacity for independent living, and (7) economic self-sufficiency; and
 - 5. Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment , or other services that are of lifelong or extended duration and are individually planned and coordinated."
 - This definition does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome. (1937 Act)

3-I.J. GUESTS [24 CFR 5.100]

A guest is a person temporarily staying in the unit with the consent of a member of the household who has express or implied authority to so consent. A resident family must notify the GRHC when overnight guests will be staying in the unit for more than three days. A guest can remain in the unit no longer than 14 consecutive days or a total of 30 cumulative calendar days during any 12-month period. A family may request an exception to this policy for valid reasons (e.g., care of a relative recovering from a medical procedure is expected to last 20 consecutive days). An exception will not be made unless the family can identify and provide documentation of the residence to which the guest will return. Children who are subject to a joint custody arrangement or for whom a family

has visitation privileges, that are not included as a family member because they live outside of the public housing unit more than 50 percent of the time, are not subject to the time limitations of guests as described above. Former residents who have been evicted are not permitted as overnight guests. Guests who represent the public housing unit address as their residence address or address of record for receipt of benefits or any other purposes will be unauthorized occupants. In addition, guests who remain in the unit beyond the allowable time limit will be considered unauthorized occupants, and their presence constitutes a violation of the lease.

3-I.K. FOSTER CHILDREN AND FOSTER ADULTS

A foster child is a child that is in the legal guardianship or custody of a state, county, or private adoption or foster care agency, yet is cared for by foster parents in their own homes, under short-term or long-term foster care arrangement with the custodial agency.

3-I.L. ABSENT FAMILY MEMBERS

Definitions of Temporarily and Permanently Absent

Generally, an individual who is or is expected to be absent from the public housing unit for 180 consecutive days or less is considered temporarily absent and continues to be considered a family member. Generally, an individual who is or is expected to be absent from the public housing unit for more than 180 consecutive days is considered permanently absent and no longer a family member. Exceptions to this general policy are discussed below.

Absent Students

When someone who has been considered a family member attends school away from home, the person will continue to be considered a family member unless information becomes available to the GRHC indicating that the student has established a separate household or the family declares that the student has established a separate household.

Absences Due to Placement in Foster Care

If a child has been placed in foster care, the GRHC will verify with the appropriate agency whether and when the child is expected to be returned to the home. Unless the agency confirms that the child has been permanently removed from the home, the child will be counted as a family member.

Absent Head, Spouse, or Cohead

An employed head, spouse, or cohead absent from the unit more than 180 consecutive days due to employment will continue to be considered a family member.

Individuals Confined for Medical Reasons

An individual confined to a nursing home or hospital on a permanent basis is not considered a family member. If there is a question about the status of a family member, the GRHC will request verification from a responsible medical professional and will use this determination. If the responsible medical professional cannot provide a determination, the person generally will be considered temporarily absent. The family may present evidence that the family member is confined on a permanent basis and request that the person not be considered a family member.

Return of Permanently Absent Family Members

The family must request GRHC approval for the return of any adult family members that the GRHC has determined to be permanently absent. The individual is subject to the eligibility and screening requirements discussed in this chapter.

3-I.M. LIVE-IN AIDE [24 CFR 5.403]

A family may request GRHC approval for the household to include a live-in aide when necessary to provide supportive services for a family member who is elderly, near-elderly, or a person with disabilities. This section describes the conditions under which someone can be considered a live-in aide, and the situations in which the GRHC may deny or withdraw approval of a particular individual as a live-in aide. A family's request for a live-in aide may be made orally or in writing. The GRHC will verify the need for a live-in aide, if necessary, with a reliable, knowledgeable professional as provided by the family, such as a doctor, social worker, or case worker. For continued approval, the family may be required to submit a new, written request—subject to GRHC verification—at each annual reexamination. In addition, the family and live-in aide will be required to submit a certification stating that the live-in aide is (1) not obligated for the support of the person(s) needing the care, and (2) would not be living in the unit except to provide the necessary supportive services. The GRHC has the discretion not to approve a particular person as a live-in aide, and may withdraw such approval, if [24 CFR 966.4(d)(3)(i)]:

- The person commits fraud, bribery or any other corrupt or criminal act in connection with any federal housing program.
- The person commits drug-related criminal activity or violent criminal activity; or
- The person currently owes rent or other amounts to the GRHC or to another GRHC in connection with Section 8 or public housing assistance under the 1937 Act.

Within 15 calendar days of receiving a request for a live-in aide, including all required documentation related to the request, the GRHC will notify the family of its decision in writing.

PART II: BASIC ELIGIBILITY CRITERIA

3-II.A. OVERVIEW

This part discusses income eligibility, and rules regarding citizenship, social security numbers, and family consent.

3-II.B. INCOME ELIGIBILITY AND TARGETING

Income Limits

HUD establishes income limits for all areas of the country and publishes them annually in the Federal Register. They are based upon estimates of median family income with adjustments for family size. The income limits are used to determine eligibility for the program and for income targeting purposes as discussed in this section. Definitions of the Income Limits [24 CFR 5.603(b)] unusually high or low family incomes.

Types of Low-Income Families [24 CFR 5.603(b)]

This section provides the HUD definition of low-, very low-, and extremely low-income families.

- ***Low-income family:*** A family whose annual income does not exceed 80 percent of the median income for the area, adjusted for family size.
- ***Very low-income family:*** A family whose annual income does not exceed 50 percent of the median income for the area, adjusted for family size.
- ***Extremely low-income family:*** A family whose annual income does not exceed the federal poverty level or 30 percent of the median income for the area, whichever number is higher.

Area median income is determined by HUD, with adjustments for smaller and larger families. HUD may establish income ceilings higher or lower than 30, 50, or 80 percent of the median income for an area if HUD finds that such variations are necessary because of local market conditions.

Using Income Limits for Eligibility [24 CFR 960.201]

Income limits are used to determine eligibility at admission. Eligibility is established by comparing a family's annual income with HUD's published income limits. To be income- eligible, a family must be a *low-income* family.

Using Income Limits for Targeting [24 CFR 960.202(b)]

At least 40 percent of the families admitted to the GRHC's public housing program during a GRHC fiscal year must be extremely low-income families and the possible use of housing choice voucher admissions in meeting HUD's requirement.

GRHC MTW Flexibility

The GRHC will ensure that at least 75 percent of households admitted during each fiscal year in the public housing, Housing Choice Voucher (HCV), and local, non-traditional programs—will be very low-income (50%).

3-II.C. CITIZENSHIP OR ELIGIBLE IMMIGRATION STATUS [24 CFR 5, Subpart E]

Overview

Housing assistance is available only to individuals who are U.S. citizens, U.S. nationals, or noncitizens that have eligible immigration status, and that prorated assistance is provided for "mixed families" containing both eligible and ineligible persons.

Declaration [24 CFR 5.508]

HUD requires that each family member declare whether the individual is a citizen, a national, or an eligible noncitizen, except those members who elect not to contend that they have eligible immigration status.

U.S. Citizens and Nationals

In general, citizens and nationals are required to submit only a signed declaration that claims their status. However, HUD regulations permit the GRHC to request documentation of their status.

Family members who declare citizenship or national status will not be required to provide additional documentation unless the GRHC receives information indicating that an individual's declaration may not be accurate.

Eligible Noncitizens

In addition to providing a signed declaration, those declaring eligible noncitizen status must sign a verification consent form and cooperate with GRHC efforts to verify their immigration status as described in Chapter 7. The documentation required for establishing eligible noncitizen status varies depending upon factors such as the date the person entered the U.S., the conditions under which eligible immigration status has been granted, the person's age, and the date on which the family began receiving HUD-funded assistance. Lawful residents of the Marshall Islands, the Federated States of Micronesia, and Palau, together known as the Freely Associated States, or FAS, are eligible for housing assistance under section 141 of the Compacts of Free Association between the U.S. Government and the Governments of the FAS [Public Law 106-504].

Ineligible Noncitizens

Those noncitizens who do not wish to contend their immigration status are required to have their names listed on a noncontending family members listing, signed by the head, spouse, or cohead (regardless of citizenship status), indicating their ineligible immigration status. Providing housing assistance to noncitizen students is prohibited [24 CFR 5.522]. This prohibition extends to the noncitizen spouse of a noncitizen student as well as to minor children who accompany or follow to join the noncitizen student. Such prohibition does not extend to the citizen spouse of a noncitizen student or to the children of the citizen spouse and noncitizen student. Such a family is eligible for prorated assistance as a mixed family.

Mixed Families

A family is eligible for assistance as long as at least one member is a citizen, national, or eligible noncitizen. Families that include eligible and ineligible individuals are considered mixed families. Such families will be given notice that their assistance will be prorated, and that they may request a hearing if they contest this determination. See Chapter 6 for a discussion of how rents are prorated, and Chapter 14 for a discussion of informal hearing procedures.

Ineligible Families [24 CFR 5.514(d), (e), and (f)]

No individual or family may be assisted prior to the affirmative establishment by the GRHC that the individual or at least one family member is eligible (a citizen, national, or eligible noncitizen). When the GRHC determines that an applicant family does not include any citizens, nationals, or eligible noncitizens, following the verification process, the family will be sent a written notice within 15 calendar days of the determination. The notice will explain the reasons for the denial of assistance and will advise the family of its right to request an appeal to the United States Citizenship and Immigration Services (USCIS), or to request a grievance hearing with the GRHC. The grievance hearing with the GRHC may be requested in lieu of the USCIS appeal, or at the conclusion of the USCIS appeal process. The notice must also inform the applicant family that assistance may not be delayed until the conclusion of the USCIS appeal process, but that it may be delayed pending the completion of the grievance hearing process.

Time Frame for Determination of Citizenship Status [24 CFR 5.508(g)]

The GRHC will verify the status of applicants at the time other eligibility factors are determined.

3-II.D. SOCIAL SECURITY NUMBERS [24 CFR 5.216 and 5.218, Notice PIH 2018-24]

The applicant and all members of the applicant's household must disclose the complete and accurate social security number (SSN) assigned to each household member, and the documentation necessary to verify each SSN. If a child under age 6 has been added to an applicant family within 6 months prior to voucher issuance, an otherwise eligible family may be admitted to the program and must disclose and document the child's SSN within 90 calendar days of the effective date of the initial HAP contract. *Note: These requirements do not apply to noncitizens who do not contend eligible immigration status.* In addition, each participant who has not previously disclosed an SSN, has previously disclosed an SSN that HUD or the SSA determined was invalid, or has been issued a new SSN must submit their complete and accurate SSN and the documentation required to verify the SSN at the time of the next interim or annual reexamination or recertification. Participants aged 62 or older as of January 31, 2010, whose determination of eligibility was begun before January 31, 2010, are exempt from this requirement and remain exempt even if they move to a new assisted unit. The GRHC must deny assistance to an applicant family if they do not meet the SSN disclosure and documentation requirements contained in 24 CFR 5.216.

3-II.E. FAMILY CONSENT TO RELEASE OF INFORMATION [24 CFR 5.230]

HUD requires each adult family member, and the head of household, spouse, or cohead, regardless of age to sign form HUD-9886, Authorization for the Release of Information/Privacy Act Notice, the form HUD-52675 Debts Owed to Public Housing Agencies and Terminations, and other consent forms as needed to collect information relevant to the family's eligibility and level of assistance. Chapter 4 provides detailed information concerning the consent forms and verification requirements. The GRHC must deny admission to the program if any adult member of the applicant family fails to sign and submit the consent forms for obtaining information in accordance with 24 CFR 5, Subparts B and F.

3-II.F. EIV SYSTEM SEARCHES [Notice PIH 2018-18; EIV FAQs; EIV System Training 9/30/20]

The GRHC will contact the PHA or owner identified in the report to confirm that the family has moved out of the unit and obtain documentation of current tenancy status, including a form HUD-50058 or 50059, as applicable, showing an end of participation. The GRHC will only approve assistance contingent upon the move-out from the currently occupied assisted unit.

Debts Owed to GRHCs and Terminations

The GRHC will require each adult household member to sign the form HUD-52675 once at the eligibility determination. Any new members added to the household after admission will be required to sign the form HUD-52675 prior to being added to the household. The GRHC will search the Debts Owed to any PHA and Termination module as part of the eligibility determination for new households and as part of the screening process for any household members added after the household is admitted to the program. If any information on debts or terminations is returned by the search, the GRHC will determine if this information warrants a denial in accordance with the policies in Part III of this chapter.

Income and IVT Reports

The GRHC is required to run the Income and IVT Reports 120 days after admission.

PART III: DENIAL OF ADMISSION

3-III.A. OVERVIEW

A family that does not meet the eligibility criteria discussed in Parts I and II, must be denied assistance. This part covers factors related to an applicant's past or current conduct (e.g., criminal activity) that can cause the GRHC to deny admission.

3-III.B. REQUIRED DENIAL OF ADMISSION [24 CFR 960.204]

HUD requires the GRHC to deny assistance in the following cases:

- *Currently engaged in* is defined as any use of illegal drugs during the previous three years unless the applicant is currently enrolled in and fully compliant with treatment.
- Any member of the household has been evicted from federally assisted housing in the last three years for drug-related criminal activity. The GRHC will not admit an otherwise-eligible family who was evicted from federally assisted housing within the past three (3) years for drug-related criminal activity unless the household member has completed a verifiable drug rehabilitation program or the person who committed the crime, is no longer living in the household.
- The GRHC determines that any household member is currently engaged in the use of illegal drugs.
- The GRHC has reasonable cause to believe that any household member's current use or pattern of use of illegal drugs, or current abuse or pattern of abuse of alcohol, may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents. In determining reasonable cause, the GRHC will consider all credible evidence, including but not limited to, any record of convictions, arrests, or evictions of household members related to the use of illegal drugs or the abuse of alcohol. A conviction will be given more weight than an arrest. A record or records of arrest will not be used as the sole basis of determining reasonable cause. The GRHC will also consider evidence from treatment providers or community-based organizations providing services to household members.
- Any household member has ever been convicted of drug-related criminal activity for the production or manufacture of methamphetamine on the premises of federally assisted housing.
- Any household member is subject to a lifetime registration requirement under a state sex offender registration program.

3-III.C. OTHER PERMITTED REASONS FOR DENIAL OF ADMISSION

HUD permits but does not require the GRHC to deny admission for the reasons discussed in this section. Whenever HUD gives the GRHC discretion about denying admission, the GRHC will take into consideration the factors discussed in Sections 3-III.E and 3-III.F.

Criminal Activity [24 CFR 960.203(c)]

HUD permits, but does not require, the GRHC to deny assistance if the GRHC determines that any household member is currently engaged in or has engaged in during a reasonable time before the family would receive assistance, certain types of criminal activity. The GRHC will deny assistance if any household member is currently engaged in or has engaged in any of the following criminal activities, within the past three years.

- Drug-related criminal activity, defined by HUD as the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug [24 CFR 5.100].

- Violent criminal activity, defined by HUD as any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage [24 CFR 5.100].
- Criminal activity that may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity. **Immediate vicinity** means within a three-block radius of the premises; or
- Criminal activity that may threaten the health or safety of property owners, management staff, and persons performing contract administration functions or other responsibilities on behalf of the GRHC (including a GRHC employee or a GRHC contractor, subcontractor, or agent)

Evidence of such criminal activity includes, but is not limited to:

- Any conviction for drug-related or violent criminal activity within the past three (3) years.
- Records of arrests for drug-related or violent criminal activity within the past three (3) years, although a record or records of arrest will not be used as the sole basis for the denial or proof that the applicant engaged in disqualifying criminal activity. A conviction for drug-related or violent criminal activity will be given more weight than an arrest for such activity.
- Any record of eviction from public or privately-owned housing as a result of criminal activity within the past three (3) years.

GRHC Criminal Background Check Policy and Procedure

To treat all applicants equally and fairly, and to uphold Fair Housing principles and ensuring equal access to housing, the Grand Rapids Housing Commission (GRHC) will conduct a limited criminal background screening on all individuals aged 18 and older in the family/household composition. Limited criminal background screening will consider:

1. Registered Sex Offender
2. Convicted of manufacturing methamphetamine.
3. Banned or Barred from GRHC Property
4. Felony or High Misdemeanors criminal convictions related to following offenses within the last three (3) years:
 - a. Property offenses
 - i. Property offenses include theft, burglary, vandalism, arson and other criminal damage to property
 - b. Major drug offenses
 - i. Major drug offenses include drug trafficking and the sale, smuggling, manufacture, or distribution of any controlled substance. This includes unspecified controlled substances. It also includes all 1st or 2nd degree-controlled substance offenses. Major drug offenses do not include simple possession of a controlled substance or drug paraphernalia, nor any past conduct that has since been decriminalized.
 - c. Fraud Offenses
 - i. Fraud offenses include identify theft, use of stolen checks, writing bad checks, counterfeiting, and forgery.
 - d. Major violent offenses against persons
 - i. Major violent offenses include assault, battery, and homicide.
 - e. Sex offenses
 - i. Sex offenses include rape, registration as a sexual offender, taking indecent liberties with a minor, pandering, sex trafficking, and sexual battery. Not included are victimless crimes such as prostitution or

solicitation.

The GRHC's limited criminal background screening will not consider charges, expunged convictions, convictions reversed on appeal, vacated convictions, offenses where adjudication was withheld or deferred, pardoned convictions, and sealed juvenile records. It will not treat people differently based on whether the applicant is on probation or parole. If an applicant is identified as having a felony or high misdemeanor conviction in one of the specified categories of offenses within the three (3) years prior to the application, a written notice will inform the applicant that covered criminal conduct was identified in the limited criminal background screening and will invite the applicant to provide additional information within 15 calendar days for consideration. The requested information could include for example, Letters from parole officers, caseworkers, counselors, family members, or community organizations commenting on the applicant's responsible conduct and rehabilitation efforts.

GRHC will consider all applicants equally and render decisions in a fair and consistent manner. The GRHC will consider the following factors:

- The facts or circumstances surrounding the criminal conduct
- The age of the applicant at the time of the occurrence of the criminal offense;
- Evidence of a good tenant or employment history before or after the conviction or conduct;
- Evidence of rehabilitation efforts;
- The time that has elapsed since the occurrence of the conduct;
- Any information about the applicant that indicates good conduct since the offense occurred;
- Whether the conduct/conviction arose from the applicant's status as a survivor of domestic violence, sexual assault, stalking, or dating violence;
- Whether the conduct/conviction arose from an applicant's disability, including mental illness; and
- Any other information related to whether the applicant's specific criminal history creates the potential that the property's current residents, employees, or property will be exposed to a heightened risk of crime.

If an applicant does not provide information for consideration within 15 calendar days of the notice, the GRHC will assess the applicant based on available information obtained during the applicant process including the criminal background. If the GRHC decides to reject an applicant, a denial letter will be sent to the applicant. The applicant will have 15 calendar days to request a review on the GRHC's determination. If no response is received, the applicant will be denied and removed from the waiting list.

Previous Behavior [960.203(c) and (d) and PH Occ GB, p. 48]

HUD authorizes the GRHC to deny admission based on relevant information pertaining to the family's previous behavior and suitability for tenancy.

The GRHC will deny assistance to an applicant family if:

- The family does not provide information that the GRHC or HUD determines is necessary in the administration of the program.
- The family does not provide complete and true information to the GRHC.
- Any family member has been evicted from federally assisted housing in the last three (3) years.

- Any family member has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program.
- The family owes rent or other amounts to any federally assisted property in connection with Section 8 or other public housing assistance under the 1937 Act, unless the family repays the full amount of the debt prior to being selected from the waiting list.
- If the family has not reimbursed any PHA for amounts the PHA paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease, unless the family repays the full amount of the debt prior to being selected from the waiting list.
- The family has breached the terms of a repayment agreement entered into with the GRHC, unless the family repays the full amount of the debt covered in the repayment agreement prior to being selected from the waiting list.
- A family member has engaged in or threatened violent or abusive behavior toward GRHC personnel.
 - Abusive or violent behavior towards GRHC personnel includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior.
 - Threatening refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence. In making its decision to deny assistance, the GRHC will consider the factors discussed in Section 3-III.E. Upon consideration of such factors, the GRHC may, on a case-by-case basis, decide not to deny assistance.

3-III.D. SCREENING

Screening for Eligibility

This section describes the GRHC's obligation to conduct screening for eligibility related to criminal behavior, including the requirement to run criminal background checks to determine whether a family member is subject to a lifetime registration requirement in a state sex offender program. The GRHC will perform criminal background checks through a third-party entity for all adult household members. The GRHC will use the Dru Sjodin National Sex Offender database to screen applicants for admission.

Obtaining Information from Drug Treatment Facilities [24 CFR 960.205]

HUD authorizes GRHCs to request and obtain information from drug abuse treatment facilities concerning applicants. Specifically, the GRHC will obtain information from drug abuse treatment facilities to determine whether any applicant family's household members are currently engaging in illegal drug activity only when the GRHC has determined that the family will be denied admission based on a family member's drug-related criminal activity, and the family claims that the culpable family member has successfully completed a supervised drug or alcohol rehabilitation program.

Screening for Suitability as a Tenant

The GRHC is responsible for the screening and selection of families to occupy public housing units and will consider the family's history with respect to the following factors:

- Payment of rent and utilities
- Caring for a unit and premises

- Respecting the rights of other residents to the peaceful enjoyment of their housing
- Criminal activity that is a threat to the health, safety, or property of others
- Behavior of all household members as related to the grounds for denial as detailed in Sections 3-III. B and C
- Compliance with any other essential conditions of tenancy

Resources Used to Check Applicant Suitability

To determine the suitability of applicants the GRHC will examine applicant history for the past three years. Such background checks will include meeting financial obligations, especially rent and Disturbances of Neighbors, Destruction of Property or Living or Housekeeping Habits at Prior Residences that May Adversely Affect Health, Safety, or Welfare of Other Tenants, or Cause Damage to the Unit or the Development

To determine the aforementioned items the GRHC will utilize landlords references, court records and/or credit reports. Applicants that have insufficient information (i.e., rental history) to make a suitability determination maybe requested to submit additional information supporting their ability to meet financial obligations and/or previous behavior.

3-III.E. CRITERIA FOR DECIDING TO DENY ADMISSION

Evidence

The GRHC will use the preponderance of the evidence as the standard for making all admission decisions.

Preponderance of the evidence is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which shows that the fact sought to be proved is more probable than not. Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

Consideration of Circumstances

The GRHC will consider the following facts and circumstances prior to making its decision:

- The seriousness of the case, especially with respect to how it would affect other residents' safety or property
- The effects that denial of admission may have on other members of the family who were not involved in the action or failure to act
- The extent of participation or culpability of individual family members, including whether the culpable family member is a minor or a person with disabilities, or (as discussed further in section 3-III.F) a victim of domestic violence, dating violence, sexual assault, or stalking
- The length of time since the violation occurred, including the age of the individual at the time of the conduct, as well as the family's recent history and the likelihood of favorable conduct in the future

While a record or records of arrest will not be used as the sole basis for denial, an arrest may, however, trigger an investigation to determine whether the applicant engaged in disqualifying criminal activity. As part of its investigation, the GRHC may obtain the police report associated with the arrest and consider the reported circumstances of the arrest. The GRHC may also consider:

- Any statements made by witnesses, or the applicant not included in the police report
- Whether criminal charges were filed
- Whether, if filed, criminal charges were abandoned, dismissed, not prosecuted, or ultimately resulted in an acquittal

- Any other evidence relevant to determining whether or not the applicant engaged in disqualifying activity
- Evidence of criminal conduct will be considered if it indicates a demonstrable risk to safety and/or property
- Evidence of the applicant family's participation in or willingness to participate in social service or other appropriate counseling service programs

In the case of drug or alcohol abuse, whether the culpable household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program or has otherwise been rehabilitated successfully the GRHC will require the applicant to submit evidence of the household member's current participation in or successful completion of a supervised drug or alcohol rehabilitation program, or evidence of otherwise having been rehabilitated successfully.

Removal of a Family Member's Name from the Application

The GRHC is authorized to deny admission unless the family agrees that a family member who participated in or was culpable for an offense will not live in the unit. As a condition of receiving assistance, a family may agree to remove the culpable family member from the application. In such instances, the head of household must certify that the family member will not be permitted to stay as a guest in the public housing unit. After admission to the program, the family must present evidence of the former family member's current address upon the GRHC request.

Reasonable Accommodation

If the family includes a person with disabilities, the GRHC decision concerning denial of admission is subject to consideration of reasonable accommodation in accordance with 24 CFR Part 8. If the family indicates that the behavior of a family member with a disability is the reason for the proposed denial of admission, the GRHC will determine whether the behavior is related to the disability. If so, the GRHC will determine whether alternative measures are appropriate as a reasonable accommodation. The GRHC will only consider accommodations that can reasonably be expected to address the behavior that is the basis of the proposed denial of admission. See Chapter 2 for a discussion of reasonable accommodation.

3-III.F. PROHIBITION AGAINST DENIAL OF ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING

The Violence against Women Act of 2013 (VAWA) prohibits the GRHC from denying admission to an applicant who otherwise qualifies for the public housing program on the basis or as a direct result of the fact that the applicant is a victim of domestic violence, dating violence, sexual assault, or stalking [24 CFR 5.2005(b)]. This section describes how the GRHC will comply with this prohibition.

Notification

VAWA 2013 expanded notification requirements to include the obligation for the GRHC to provide applicants who are denied assistance with a VAWA Notice of Occupancy Rights (form HUD- 5380) and domestic violence certification form HUD-5382 at the time the applicant is denied. The GRHC acknowledges that a victim of domestic violence, dating violence, sexual assault, or stalking may have an unfavorable history (e.g., a poor credit history, poor rental history, a record of previous damage to an apartment, a prior arrest record) due to adverse factors that would warrant denial under the GRHC's policies. While the GRHC is not required to identify whether adverse factors that resulted in the applicant's denial are a result of domestic violence, dating violence, sexual assault, or stalking, the applicant may inform the GRHC that their status

as a victim is directly related to the grounds for the denial. The GRHC will request that the applicant provide enough information to the GRHC to allow the GRHC to make an objectively reasonable determination, based on all circumstances, whether the adverse factor is a direct result of their status as a victim.

The GRHC will include in its notice of denial information about the protection against denial provided by VAWA in accordance with section 16-VII.C of this ACOP, a notice of VAWA rights, and a copy of the form HUD-5382. The GRHC will request in writing that an applicant wishing to claim this protection notify the GRHC within 15 calendar days.

Documentation

Victim Documentation [24 CFR 5.2007]

If an applicant claims the protection against denial of admission that VAWA provides to victims of domestic violence, dating violence, sexual assault, or stalking, the GRHC will request in writing that the applicant provide documentation supporting the claim in accordance with section 16-VII.D of this ACOP.

Perpetrator Documentation

If the perpetrator of the abuse is a member of the applicant family, the applicant must provide additional documentation consisting of one of the following:

- A signed statement (1) requesting that the perpetrator be removed from the application and (2) certifying that the perpetrator will not be permitted to visit or to stay as a guest in the public housing unit
- Documentation that the perpetrator has successfully completed, or is successfully undergoing, rehabilitation or treatment. The documentation must be signed by an employee or agent of a domestic violence service provider or by a medical or other knowledgeable professional from whom the perpetrator has sought or is receiving assistance in addressing the abuse. The signer must attest under penalty of perjury to his or her belief that the rehabilitation was successfully completed or is progressing successfully. The victim and perpetrator must also sign or attest to the documentation.

3-III.G. NOTICE OF ELIGIBILITY OR DENIAL

This section refers to Section 4-III.E. of the ACOP for policies regarding the GRHC's final determination of an applicant family's eligibility. Notice requirements related to denying admission to noncitizens are contained in Section 3-II.B. If, based on a criminal record or sex offender registration information an applicant family appears to be ineligible, the GRHC will notify the family in writing of the proposed denial and provide a copy of the record to the applicant and to the subject of the record. The family will be given 15 calendar days to dispute the accuracy and relevance of the information. If the family does not contact the GRHC to dispute the information within that 15 calendar day period, the GRHC will proceed with issuing the notice of denial of admission. A family that does not exercise their right to dispute the accuracy of the information prior to issuance of the official denial letter will still be given the opportunity to do so as part of the informal hearing process.

| |
|---|
| <p align="center">EXHIBIT 3-1: DETAILED DEFINITIONS RELATED TO DISABILITIES Person with Disabilities [24 CFR 5.403]</p> |
|---|

The term *person with disabilities* means a person who has any of the following types of conditions:

Has a disability, as defined in 42 U.S.C. Section 423(d)(1)(A), which reads:

Inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months; *or*

In the case of an individual who has attained the age of 55 and is blind (within the meaning of “blindness” as defined in section 416(i)(1) of this title), inability by reason of such blindness to engage in substantial gainful activity, requiring skills or ability comparable to those of any gainful activity in which he has previously engaged with some regularity and over a substantial period of time.

Has a developmental disability as defined in the Developmental Disabilities Assistance and Bill of Rights Act of 2000 [42 U.S.C.15002(8)], which defines developmental disability in functional terms as follows:

(A) In General

The term “developmental disability” means a severe, chronic disability of an individual that:

- (i) is attributable to a mental or physical impairment or combination of mental and physical impairments;
- (ii) is manifested before the individual attains age 22;
- (iii) is likely to continue indefinitely;
- (iv) results in substantial functional limitations in 3 or more of the following areas of major life activity: (I) Self-care, (II) Receptive and expressive language, (III) Learning, (IV) Mobility, (V) Self-direction, (VI) Capacity for independent living, (VII) Economic self-sufficiency; and
- (v) reflects the individual’s need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.

(B) Infants and Young Children

An individual from birth to age 9, inclusive, who has a substantial developmental delay or specific congenital or acquired condition, may be considered to have a developmental disability without meeting 3 or more of the criteria described in clauses (i) through (v) of subparagraph (A) if the individual, without services and supports, has a high probability of meeting those criteria later in life.

Has a physical, mental, or emotional impairment that is expected to be of long-continued and indefinite duration; substantially impedes his or her ability to live independently, and is of such a nature that the ability to live independently could be improved by more suitable housing conditions.

People with the acquired immunodeficiency syndrome (AIDS) or any conditions arising from the etiologic agent for AIDS are not excluded from this definition.

A person whose disability is based solely on any drug or alcohol dependence does not qualify as a person with disabilities for the purposes of this program.

For purposes of reasonable accommodation and program accessibility for persons with disabilities, the

term person with disabilities refers to an individual with handicaps.

Individual with Handicaps [24 CFR 8.3]

Individual with handicaps means any person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such an impairment; or is regarded as having such an impairment. The term does not include any individual who is an alcoholic or drug abuser whose current use of alcohol or drugs prevents the individual from participating in the program or activity in question, or whose participation, by reason of such current alcohol or drug abuse, would constitute a direct threat to property or the safety of others. As used in this definition, the phrase:

- (1) Physical or mental impairment includes:
 - (a) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or
 - (b) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term physical or mental impairment includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction and alcoholism.
- (2) *Major life activities* means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.
- (3) Has a record of such an impairment means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.
- (4) *Is regarded as having an impairment* means:
 - (a) Has a physical or mental impairment that does not substantially limit one or more major life activities but that is treated by a recipient as constituting such a limitation;
 - (b) Has a physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of others toward such impairment; or
 - (c) Has none of the impairments defined in paragraph (1) of this section but is treated by a recipient as having such an impairment.

Chapter 4

APPLICATIONS, WAITING LIST AND TENANT SELECTION INTRODUCTION

INTRODUCTION

This chapter describes HUD and the GRHC policies for accepting applications, managing the waiting list and selecting families from the waiting list. The GRHCs policies for assigning unit size and making unit offers are contained in Chapter 5. Together, Chapters 4 and 5 of the ACOP comprise the GRHC's Tenant Selection and Assignment Plan (TSAP).

The policies outlined in this chapter are organized into three sections, as follows:

Part I: The Application Process. This part provides an overview of the application process and discusses how applicants can obtain and submit applications. It also specifies how the GRHC will handle the applications it receives.

Part II: Managing the Waiting List. This part presents the policies that govern how the GRHC's waiting list is structured, when it is opened and closed, and how the public is notified of the opportunity to apply for public housing. It also discusses the process the GRHC will use to keep the waiting list current.

Part III: Tenant Selection. This part describes the policies that guide the GRHC in selecting families from the waiting list as units become available. It also specifies how in-person interviews will be used to ensure that the GRHC has the information needed to make a final eligibility determination.

PART I: THE APPLICATION PROCESS.

4-I.A. OVERVIEW

This part provides an overview of the application process and discusses how applicants can obtain and submit applications. It also specifies how the GRHC will handle the applications it receives.

4-I.B. APPLYING FOR ASSISTANCE [PH Occ GB, p. 68]

HUD gives the GRHC the latitude to determine how the GRHC will take applications, within certain constraints. HUD does not mandate the format or content of the application, or the method for processing applications. However, the GRHC must include Form HUD-92006, Supplement to Application for Federally Assisted Housing, as part of the GRHC's application [Notice PIH 2009-36]. Depending upon the length of time between the date of application and the availability of housing, the GRHC may use a one- or two-step application process.

- A one-step process will be used when it is expected that a family will be selected from the waiting list within 60 days of the date of application. At application, the family must provide all the information necessary to establish family eligibility and the amount of rent the family will pay.
- A two-step process will be used when it is expected that a family will not be selected from the waiting list for at least 60 days from the date of application. Under the two-step application process, the GRHC initially will require families to provide only the information needed to make an initial assessment of the family's eligibility, and to determine the family's placement on the waiting list. The family will be required to provide all the information necessary to establish family eligibility and the amount of rent the family will pay when the family is selected from the waiting list.

Families may complete application forms online at www.grhousing.org. If an application is incomplete, the GRHC will notify the family of the additional information required.

4-I.C. ACCESSIBILITY OF THE APPLICATION PROCESS [24 CFR 8; PH Occ GB, p. 68]

The GRHC will ensure that the application process is accessible to those people who might have difficulty complying with the standard GRHC application process. Those who need assistance in completing an application may call the GRHC to make special arrangements. A telecommunication device for the deaf (TDD) is available at 1-800-649-3777. Policies related to reasonable accommodations for persons with disabilities, and people with limited English proficiency are contained in Chapter 2.

4-I.D. PLACEMENT ON THE WAITING LIST

The GRHC will review each completed application received and make a preliminary assessment of the family's eligibility. If the GRHC determines from the information provided that a family is ineligible, the family will not be placed on the waiting list. When a family is determined to be ineligible, the GRHC will send written notification of the ineligibility determination within 15 calendar days of receipt of the completed application. The notice will specify the reasons for ineligibility and will inform the family of its right to request an informal hearing and explain the process for doing so (see Chapter 14). The GRHC will send written notification of the preliminary eligibility determination within 15 calendar days of receiving a complete application. Applicants will be placed on the waiting list according to GRHC preference(s) and the date and time their complete application is received by the GRHC.

The GRHC will assign families on the waiting list according to the bedroom size for which a

family qualifies as established in its occupancy standards (see Chapter 5). Families may request to be placed on the waiting list for a unit size smaller than designated by the occupancy guidelines (as long as the unit is not overcrowded according to GRHC standards and local codes). However, in these cases, the family must agree not to request a transfer for two years after admission, unless they have a change in family size or composition. Placement on the waiting list does not indicate that the family is, in fact, eligible for admission. When the family is selected from the waiting list, the GRHC will verify any preference(s) claimed and determine eligibility and suitability for admission to the program.

PART II: MANAGING THE WAITING LIST

4-II.A. OVERVIEW

This section presents the policies that govern how the GRHC's waiting list is structured, when it is opened and closed, and how the public is notified of the opportunity to apply for public housing. It also discusses the process the GRHC will use to keep the waiting list current.

4-II.B ORGANIZATION OF THE WAITING LIST [24 CFR 960.206]

The waiting list will contain the following information for each applicant listed:

- Name and social security number of head of household
- Unit size required (number of family members)
- Amount and source of annual income
- Accessibility requirement, if any
- Date and time of application or application number
- Household type (family, elderly, disabled)
- Admission preference(s), if any
- Race and ethnicity of the head of household

The GRHC will maintain a site-based waiting list system, with separate waiting lists for each of the sites within the GRHC portfolio. The GRHC will not merge the public housing waiting list with the waiting list for any other program the GRHC operates.

4-II.C OPENING AND CLOSING THE WAITING LIST

The GRHC will close the waiting list when the estimated waiting period for housing applicants on the list reaches 24 months for the most current applicants. Where the GRHC has preferences or other criteria that require a specific category of family, the GRHC may elect to continue to accept applications from these applicants while closing the waiting list to others.

Reopening the Waiting List

The GRHC will announce the reopening of the waiting list at least 15 calendar days prior to the date applications will first be accepted. If the list is only being reopened for certain categories of families, this information will be contained in the notice. The notice will specify where, when, and how applications are to be received. The GRHC will give public notice by publishing the relevant information on the website at www.grhousing.org and in suitable media outlets

4-II.D FAMILY OUTREACH [24 CFR 903.2(d); 24 CFR 903.7(a) and (b)]

The GRHCs will comply their marketing strategies, with Fair Housing Act requirements and with regulations to affirmatively further fair housing. Such outreach efforts are intended to overcome the effects of conditions which have resulted in, or may result in, limiting participation of persons because of their race, color, religion, sex, disability, familial status, or national origin. The GRHC will monitor the characteristics of the population being served and the characteristics of the population in the GRHC's jurisdiction. Targeted outreach efforts will be undertaken if a comparison suggests that certain populations are being underserved.

4-II.E. REPORTING CHANGES IN FAMILY CIRCUMSTANCES

While the family is on the waiting list, the family must inform the GRHC, within 15 calendar days of changes in family size or composition, preference status, or contact information, including current residence, mailing address, and phone number. The changes must be submitted in writing. Changes in an applicant's circumstances while on the waiting list may affect the family's

qualification for a particular bedroom size or entitlement to a preference. When an applicant reports a change that affects their placement on the waiting list, the waiting list will be updated accordingly.

4-II.F. UPDATING THE WAITING LIST

Purging the Waiting List [24 CFR 960.202(a)(2)(iv)]

The waiting list will be updated as needed to ensure that all applicant information is current and timely. To update the waiting list, the GRHC will send an update request via first class mail to each family on the waiting list to determine whether the family continues to be interested in, and to qualify for, the program. This update request will be sent to the last address that the GRHC has on record for the family. The update request will provide a deadline by which the family must respond and will state that failure to respond will result in the applicant's name being removed from the waiting list. If the family fails to respond within 15 calendar days, the family will be removed from the waiting list without further notice. If the notice is returned by the post office with no forwarding address, the applicant will be removed from the waiting list without further notice. If the notice is returned by the post office with a forwarding address, the notice will be re-sent to the address indicated. The family will have 15 calendar days to respond from the date the letter was re-sent. If the family fails to respond within this time frame, the family will be removed from the waiting list without further notice. When a family is removed from the waiting list during the update process for failure to respond, no informal hearing will be offered. Such failures to act on the part of the applicant prevent the GRHC from making an eligibility determination; therefore, no informal hearing is required. If a family is removed from the waiting list for failure to respond, the GRHC may reinstate the family if the lack of response was due to GRHC error, or to circumstances beyond the family's control.

Removal from the Waiting List

The GRHC will remove an applicant from the waiting list upon request by the applicant family. In such cases no informal hearing is required. If the GRHC determines that the family is not eligible for admission (see Chapter 3) at any time while the family is on the waiting list the family will be removed from the waiting list. If a family is removed from the waiting list because the GRHC has determined the family is not eligible for admission, a notice will be sent to the family's address of record as well as to any alternate address provided on the initial application. The notice will state the reasons the family was removed from the waiting list and will inform the family how to request an informal hearing regarding the GRHC's decision (see Chapter 14) [24 CFR 960.208(a)].

PART III: TENANT SELECTION

4-III.A. OVERVIEW

This part describes the policies that guide the GRHC in selecting families from the waiting list as units become available. It also specifies how in-person interviews will be used to ensure that the GRHC has the information needed to make a final eligibility determination.

4-III.B. SELECTION METHOD

Local Preferences [24 CFR 960.206]

The GRHC will use the following local preferences:

1. The GRHC will offer a preference to residents that are being involuntarily displaced by natural disasters, government action, or other emergency circumstances that pose an immediate threat to the life, health or safety to the family.
2. The GRHC will offer a preference to families that include victims of domestic violence, dating violence, sexual assault, or stalking who has either been referred by a partnering service agency or consortia or who is seeking an emergency transfer under VAWA from the GRHC's housing choice voucher program or other covered housing program operated by the GRHC. To verify that applicants qualify for the preference, the GRHC will follow documentation requirements as outline in 16-VII.D. The applicant must certify that the abuser will not reside with the applicant unless the GRHC gives prior written approval.
3. The GRHC will offer a preference to residents that are in the City of Grand Rapids, Michigan.
4. The GRHC will offer a preference to residents that are Veterans with honorable discharge status and/or a surviving spouse of a Veteran.
5. The GRHC will offer preference to participant households with more than one family member(s), selection will be based on date and time of application. For single person household(s), persons who are elderly, disabled or handicapped will be selected before other single person households.

Households requiring and accessible unit will be preference upon the availability of a accessible unit.

Preference Scoring

The GRHC will utilize an unweighted scoring system through its third-party software provider to score the preferences. Local preferences will be calculated using a system in which each preference will receive an allocation of points. The more preference points an applicant has, the higher the applicant's place on the waiting list.

Below is the scoring:

| Preference Number | Scoring |
|--------------------------|--|
| 1 – 2 | Assistance provided upon referral or proof of preference. If no availability of a unit, a seven (7) will be provided. |
| 3 | 3 |
| 4 | 2 |
| 5 | 1 |

The GRHC will work with the following partnering service agencies for referrals:

- Other PHAs
- Continuum of Care Coordinated Entry System
- Those Assisting Victims of Domestic Violence

Income Targeting Requirement [24 CFR 960.202(b)]

HUD requires that extremely low-income (ELI) families make up at least 40 percent of the families admitted to the public housing program during the GRHC's fiscal year [24 CFR 960.202(b)(1)(i)]. ELI families are those with annual incomes at or below the federal poverty level or 30 percent of the area median income, whichever number is higher [*Federal Register* notice 6/25/14].

The GRHC will monitor progress in meeting the extremely low income (ELI) requirement throughout the fiscal year. ELI families will be selected ahead of other eligible families on an as-needed basis to ensure that the income targeting requirement is met.

MTW Statutory Requirement

The GRHC will ensure that at least 75 percent of the families assisted are very low-income families (50% of AMI), in each fiscal year, as defined in Section 3(b)(2) of the 1937 Act.

Mixed Population Developments [24 CFR 960.407]

The GRHC will give preference to elderly families and [disabled families](#) equally in determining priority for admission to its mixed population developments.

Units Designated for Elderly or Disabled Families [24 CFR 945]

The GRHC does not have designated housing.

Deconcentration of Poverty and Income Mixing [24 CFR 903.1 and 903.2]

In accordance with 24 CFR, Part 903, Subpart A, the Grand Rapids Housing Commission has no general occupancy (family) public housing developments covered by the deconcentration rule.

Order of Selection [24 CFR 960.206(e)]

Families will be selected from the waiting list based on preference. Among applicants with the same preference, families will be selected on a first-come, first-served basis according to the date and time their complete application is received by the GRHC. When selecting applicants from the waiting list, the GRHC will match the characteristics of the available unit (unit size, accessibility features, unit type) to the applicants on the waiting lists. The GRHC will offer the unit to the highest-ranking applicant who qualifies for that unit size or type, or that requires the accessibility features. By matching unit and family characteristics, it is possible that families who are lower on the waiting list may receive an offer of housing ahead of families with an earlier date and time of application or higher preference status. Factors such as income mixing and income targeting will also be considered in accordance with HUD requirements and GRHC policy.

4-III.C. NOTIFICATION OF SELECTION

The GRHC will notify the family by first class mail/email/phone when it is selected from the waiting list. The notification will inform the family of the following:

- Date, time, and location of the scheduled application interview, including any procedures for rescheduling the interview
- Who is required to attend the interview
- Documents that must be provided at the interview to document the legal identity of household members, including information about what constitutes acceptable

documentation

- Documents that must be provided at the interview to document eligibility for a preference, if applicable
- Other documents and information that should be brought to the interview

If a notification letter is returned to the GRHC with no forwarding address, the GRHC will attempt if available, to contact the family by phone or email. If no contact is made, the family will be removed from the waiting list without further notice. Such failure to act on the part of the applicant prevents the GRHC from making an eligibility determination; therefore no informal hearing will be offered.

4-III.D. THE APPLICATION INTERVIEW

Families selected from the waiting list are required to participate in an eligibility interview.

All adult family members must attend the eligibility interview. Verification of information pertaining to adult members of the household not present at the interview will not begin until signed release forms are returned to the GRHC. The interview will be conducted only if the head of household or spouse/cohead provides appropriate documentation of legal identity. (Chapter 7 provides a discussion of proper documentation of legal identity). If the family representative does not provide the required documentation, the appointment may be rescheduled when the proper documents have been obtained.

Pending disclosure and documentation of social security numbers, the GRHC will allow the family to retain its place on the waiting list for 90 calendar days. If not all household members have disclosed their SSNs at the next time a unit becomes available, the GRHC will offer a unit to the next eligible applicant family on the waiting list. If the family is claiming a waiting list preference, the family must provide documentation to verify their eligibility for a preference (see Chapter 7). If the family is verified as eligible for the preference, the GRHC will proceed with the interview. If the GRHC determines the family is not eligible for the preference, the interview will not proceed, and the family will be placed back on the waiting list according to the date and time of their application. The family must provide the information necessary to establish the family's eligibility, including suitability, and determine the appropriate amount of rent the family will pay. The family must also complete required forms, provide required signatures, and submit required documentation. If any materials are missing, the GRHC will provide the family with a written list of items that must be submitted. Any required documents or information that the family is unable to provide at the interview must be provided within 15 calendar days of the interview (Chapter 7 provides details about longer submission deadlines for particular items, including documentation of Social Security numbers and eligible noncitizen status). If the family is unable to obtain the information or materials within the required time frame, the family may request an extension. If the required documents and information are not provided within the required time frame (plus any extensions), the family will be sent a notice of denial (see Chapter 3). An advocate, interpreter, or other assistant may assist the family with the application and the interview process. Interviews will be conducted in English. For limited English proficient (LEP) applicants, the GRHC will provide translation services in accordance with the GRHC's LEP plan.

If the family is unable to attend a scheduled interview, the family should contact the GRHC in advance of the interview to schedule a new appointment. In all circumstances, if a family does not attend a scheduled interview, the GRHC will send another notification letter with a new interview appointment time. Applicants who fail to attend two scheduled interviews without GRHC approval will have their applications made inactive based on the family's failure to supply information needed to determine eligibility. The second appointment letter will state that failure to appear for the appointment without a request to reschedule will be interpreted to mean that the family is no

longer interested, and their application will be made inactive. Such failure to act on the part of the applicant prevents the GRHC from making an eligibility determination, therefore the GRHC will not offer an informal hearing.

4-III.E. FINAL ELIGIBILITY DETERMINATION [24 CFR 960.208]

The GRHC will notify a family in writing of their eligibility within 15 calendar days of the determination and will provide the approximate date of occupancy insofar as that date can be reasonably determined. If the GRHC determines that the family is ineligible, the GRHC will send written notification of the ineligibility determination within 15 calendar days of the determination. The notice will specify the reasons for ineligibility and will inform the family of its right to request an informal hearing (see Chapter 14). If an applicant does not provide information for consideration within 15 calendar days of the notice, the GRHC will assess the applicant based on available information obtained during the applicant process including the criminal background. If the GRHC decides to reject an applicant, a denial letter will be sent to the applicant. The applicant will have 15 calendar days to request a review of the GRHC's determination. If no response is received, the applicant will be denied and removed from the waiting list. The GRHC will expedite the administrative process for determining eligibility to the extent possible for applicants who are admitted to the public housing program because of an emergency transfer from another GRHC program.

Chapter 5

OCCUPANCY STANDARDS AND UNIT OFFERS

INTRODUCTION

The GRHC must establish policies governing occupancy of dwelling units and offering dwelling units to qualified families. This chapter contains policies for assigning unit size and making unit offers. The GRHC's waiting list and selection policies are contained in Chapter 4. Together, Chapters 4 and 5 of the ACOP comprise the GRHC's Tenant Selection and Assignment Plan (TSAP).

Policies in this chapter are organized in two parts.

Part I: Occupancy Standards. This part contains the GRHC's standards for determining the appropriate unit size for families of different sizes, compositions, and types.

Part II: Unit Offers. This part contains the GRHC's policies for making unit offers and describes actions to be taken when unit offers are refused.

PART I: OCCUPANCY STANDARDS

5-I.A. OVERVIEW

This part contains the GRHC's standards for determining the appropriate unit size for families of different sizes, compositions, and types.

5-I.B. DETERMINING UNIT SIZE

The GRHC will use the same occupancy standards for each of its public housing developments. The GRHC's occupancy standards are as follows:

- The GRHC will assign one bedroom for each two persons within the household, except in the following circumstances:
 - Persons of different generations will not be required to share a bedroom.
 - Children of separate genders under the age of 6 will share a bedroom.
 - Unrelated adults of the same gender may be allocated separate bedrooms.
 - Live-in aides will be allocated a separate bedroom. No additional bedrooms will be provided for the live-in aide's family.
 - Single person families will be allocated a zero or one bedroom.
- Children related to a household member by birth, adoption, or court awarded custody will be considered when determining unit size.
- Foster children will be considered when determining unit size if they will be in the unit for more than 90 calendar days. The family may add foster children to the household if it does not overcrowd the unit based on the GRHC's occupancy standards.
- Children away at school, but for whom the unit is considered the primary residence, and children temporarily placed outside the home, will be considered when determining unit size.
- Children in the process of being adopted will be considered when determining unit size.
- Children who will live in the unit less than 50 percent of the time will not be considered when determining unit size.
- The GRHC will reference the following standards in determining the appropriate unit bedroom size for a family:

| BEDROOM SIZE | MINIMUM NUMBER OF PERSONS | MAXIMUM NUMBER OF PERSONS |
|---------------------|----------------------------------|----------------------------------|
| 0 | 1 | 1 |
| 1 | 1 | 2 |
| 2 | 2 | 4 |
| 3 | 3 | 6 |
| 4 | 4 | 8 |
| 5 | 6 | 10 |
| 6 | 8 | 12 |

5-I.C. EXCEPTIONS TO OCCUPANCY STANDARDS

Types of Exceptions

The GRHC will consider granting exceptions to the occupancy standards at the family's request if the GRHC determines the exception is justified by the relationship, age, sex, health or disability of family members, or other personal circumstances. For example, an exception may be granted if a larger bedroom size is needed for medical equipment due to its size and/or function, or as a reasonable accommodation for a person with disabilities. An exception may also be granted for a smaller bedroom size in cases where the number of household members exceeds the maximum number of persons allowed for the unit size in which the family resides (according to the chart in Section 5-I.B) and the family does not want to transfer to a larger size unit. When evaluating exception requests the GRHC will consider the size and configuration of the unit. In no case will the GRHC grant an exception that is in violation of local housing or occupancy codes, regulations, or laws. Requests from applicants to be placed on the waiting list for a unit size smaller than designated by the occupancy standards will be approved as long as the unit is not overcrowded according to local code, and the family agrees not to request a transfer for a period of two years from the date of admission, unless they have a subsequent change in family size or composition.

To prevent vacancies, the GRHC may provide an applicant family with a larger unit than the occupancy standards permit. However, in these cases the family must agree to move to a suitable, smaller unit when another family qualifies for the larger unit and there is an appropriate size unit available for the family to transfer to.

Processing of Exceptions

All requests for exceptions to the occupancy standards must be submitted in writing. In the case of a request for exception as a reasonable accommodation, the GRHC will encourage the resident to make the request in writing using a reasonable accommodation request form. However, the GRHC will consider the exception request any time the resident indicates that an accommodation is needed whether a formal written request is submitted. Requests for a larger size unit must explain the need or justification for the larger size unit and must include appropriate documentation. Requests based on health-related reasons must be verified by a knowledgeable professional source unless the disability and the disability-related request for accommodation is readily apparent or otherwise known. The GRHC will notify the family of its decision within 15 calendar days of receiving the family's request.

PART II: UNIT OFFERS 24 CFR 1.4(b)(2)(ii)

5-II.A. OVERVIEW

This part contains the GRHC's policies for making unit offers and describes actions to be taken when unit offers are refused. The GRHC's system of unit offers is part of its tenant selection and assignment plan (TSAP). The TSAP must assure equal opportunity and nondiscrimination for all protected classes. The GRHC will maintain a record of units offered, including location, date and circumstances of each offer, each acceptance or rejection, including the reason for the rejection.

5-II.B. NUMBER OF OFFERS

The GRHC has adopted a "one offer plan" for offering units to applicants. Under this plan the first qualified applicant in sequence on the waiting list will be made one offer of a unit of the appropriate size, at a site in which the applicant has applied to reside.

5-II.C. TIME LIMIT FOR UNIT OFFER ACCEPTANCE OR REFUSAL

Applicants must accept or refuse a unit offer within 5 calendar days of the date of the unit offer. Offers made by telephone will be confirmed by letter.

5-II.D. REFUSALS OF UNIT OFFERS

Good Cause for Unit Refusal

Applicants may refuse to accept a unit offer for "good cause." *Good cause* includes situations in which an applicant is willing to move but is unable to do so at the time of the unit offer, or the applicant demonstrates that acceptance of the offer would cause undue hardship not related to considerations of the applicant's race, color, national origin, etc. [PH Occ GB, p. 104]. Examples of good cause for refusal of a unit offer include, but are not limited to, the following:

- The family demonstrates to the GRHC's satisfaction that accepting the unit offer will require an adult household member to quit a job, drop out of an educational institution or job training program, or take a child out of day care or an educational program for children with disabilities.
- The family demonstrates to the GRHC's satisfaction that accepting the offer will place a family member's life, health, or safety in jeopardy. The family should offer specific and compelling documentation such as restraining orders; other court orders; risk assessments related to witness protection from a law enforcement agency; or documentation of domestic violence, dating violence, sexual assault, or stalking in accordance with section 16-VII.D of this ACOP. Reasons offered must be specific to the family. Refusals due to location alone do not qualify for this good cause exemption.
- A health professional verifies temporary hospitalization or recovery from illness of the principal household member, other household members (as listed on final application) or live-in aide necessary to the care of the principal household member.
- The unit is inappropriate for the applicant's disabilities, or the family does not need the accessible features in the unit offered and does not want to be subject to a 30-day notice to move.

In the case of a unit refusal for good cause the applicant will not be removed from the waiting list as described later in this section. The applicant will remain at the top of the waiting list until the family receives an offer for which they do not have good cause to refuse. The GRHC will require documentation of good cause for unit refusals.

Unit Refusal without Good Cause

When an applicant rejects the final unit offer without good cause, the GRHC will remove the applicant's name from the waiting list and send notice to the family of such removal. The notice will inform the family of their right to request an informal hearing and the process for doing so (see Chapter 14). The applicant may reapply for assistance if the waiting list is open. If the waiting list is not open, the applicant must wait to reapply until the GRHC opens the waiting list.

5-II.E. ACCESSIBLE UNITS

Families requiring an accessible unit may be over-housed in such a unit if there are no resident or applicant families of the appropriate size who also require the accessible features of the unit. When there are no resident or applicant families requiring the accessible features of the unit, including families who would be over-housed, the GRHC will offer the unit to a non-disabled applicant.

When offering an accessible unit to a non-disabled applicant, the GRHC will require the applicant to agree to move to an available non-accessible unit within 30 days when either a current resident or an applicant needs the features of the unit and there is another unit available for the non-disabled family. This requirement will be a provision of the lease agreement.

5-II.F. DESIGNATED HOUSING

GRHC does not operate a designated housing development.

Chapter 6
INCOME AND RENT DETERMINATIONS
[24 CFR Part 5, Subparts E and F; 24 CFR 960, Subpart C]

INTRODUCTION

This chapter describes HUD regulations and GRHC policies related to income and rent determinations as follows:

Part I: Annual Income: This section provides the general definition of *annual income* and explains inclusions, exclusions, treatment of family assets and welfare benefits. It further discusses general requirements and methods for calculating annual income and how each source of income is treated for the purposes of determining annual income.

Part II: Adjusted Income: This part of the ACOP discusses five mandatory deductions from annual income provided for in the regulations at 24 CFR 5.611 and policies with respect to anticipating expenses.

Part III: Calculating Rent: This section of the ACOP presents the regulatory formula for calculating total tenant payment (TTP). Utility allowances are also discussed.

PART I: ANNUAL INCOME

6-I.A. OVERVIEW

This section provides the general definition of *annual income* and explains how Part I is organized. The general regulatory definition of annual income shown below is from 24 CFR 5.609. 5.609

Annual income. (a) Annual income means all amounts, monetary or not, which: (1) Go to, or on behalf of, the family head or spouse (even if temporarily absent) or to any other family member; or (2) Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and (3) Which are not specifically excluded in paragraph [5.609(c)]. (4) Annual income also means amounts derived (during the 12-month period) from assets to which any member of the family has access

In addition to this general definition, HUD regulations establish policies for treating specific types of income and assets. The full texts of those portions of the regulations are provided in exhibits at the end of this chapter as follows:

- *Annual Income Inclusions* (Exhibit 6-1)
- *Annual Income Exclusions* (Exhibit 6-2)
- *Treatment of Family Assets* (Exhibit 6-3)
- *Earned Income Disallowance* (Exhibit 6-4)
- *The Effect of Welfare Benefit Reduction* (Exhibit 6-5)

Sections 6-I.B and 6-I.C discuss general requirements and methods for calculating annual income. The rest of Part I describes how each source of income is treated for the purposes of determining annual income. HUD regulations present income inclusions and exclusions separately [24 CFR 5.609(b) and 24 CFR 5.609(c)]. In the ACOP, however, the discussions of most income inclusions and exclusions are integrated by topic (e.g., all policies affecting earned income are discussed together in section 6-I.D). Verification requirements for annual income are discussed in Chapter 7.

6-I.B. HOUSEHOLD COMPOSITION AND INCOME

Overview

This section in the ACOP discusses household composition only as it relates to income calculations. Additional information on household composition as it relates to eligibility is found in the eligibility chapter of the ACOP.

5.609 Annual income.

(a) Annual income means all amounts, monetary or not, which:

- (1) Go to, or on behalf of, the family head or spouse (even if temporarily absent) or to any other family member; or
 - (2) Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and
 - (3) Which are not specifically excluded in paragraph [5.609(c)].
- (4) Annual income also means amounts derived (during the 12-month period) from assets to which any member of the family has access.

Temporarily Absent Family Members

HUD rules require the GRHC to count family members approved to live in a unit, even if a family member is temporarily absent from the unit [HCV GB, p. 5-18]. This section of the plan provides

GRHC policies on several types of temporarily absent family members.

Generally, an individual who is or is expected to be absent from the assisted unit for 180 consecutive days or less is considered temporarily absent and continues to be considered a family member. Generally, an individual who is or is expected to be absent from the assisted unit for more than 180 consecutive days is considered permanently absent and no longer a family member. Exceptions to this general policy are discussed below.

Absent Students

HUD does not specifically address students who are absent from a household. Although this issue would also apply to students under 18 years who are living away from the family, the major focus of this policy is to deal with students 18 and above who may or may not still be family members. When someone who has been considered a family member attends school away from home, the person will continue to be considered a family member unless information becomes available to the GRHC indicating that the student has established a separate household, or the family declares that the student has established a separate household.

Absences Due to Placement in Foster Care

Children temporarily absent from the home because of placement in foster care are considered members of the family [24 CFR 5.403]. If a child has been placed in foster care, the GRHC will verify with the appropriate agency whether and when the child is expected to be returned to the home. Unless the agency confirms that the child has been permanently removed from the home, the child will be counted as a family member.

Absent Head, Spouse, or Cohead

An employed head, spouse, or cohead absent from the unit more than 180 consecutive days due to employment will continue to be considered a family member.

Individuals Confined for Medical Reasons

An individual confined to a nursing home or hospital on a permanent basis is not considered a family member. If there is a question about the status of a family member, the GRHC will request verification from a responsible medical professional and will use this determination. If the responsible medical professional cannot provide a determination, the person generally will be considered temporarily absent.

Joint Custody of Children

When a joint custody agreement causes a child to live in more than one location, the GRHC must determine whether the child is a member of a tenant family. Dependents that are subject to a joint custody arrangement will be considered a member of the family, if they live with the applicant or participant family 50 percent or more of the time. When more than one applicant or assisted family (regardless of program) are claiming the same dependents as family members, the family with primary custody at the time of the initial examination or reexamination will be able to claim the dependents. If there is a dispute about which family should claim them, the GRHC will make the determination based on available documents such as court orders, an IRS income tax return showing which family has claimed the child for income tax purposes, school records, or other credible documentation.

Caretakers for a Child

This policy is intended to address those relatively rare and temporary circumstances in which children remain in a unit without a parent or designated guardian. This might happen in the case of the death of the parent. In such circumstances, the care arrangements for the child may be formal or informal. The approval of a caretaker is at the GRHC's discretion and subject to the GRHC's screening criteria. If neither a parent nor a designated guardian remains in a household, the GRHC consider the following:

- If a responsible agency has determined that another adult is to be brought into the unit to care for a child for an indefinite period, the designated caretaker will not be considered a family member until a determination of custody or legal guardianship is made.
- If a caretaker has assumed responsibility for a child without the involvement of a responsible agency or formal assignment of custody or legal guardianship, the caretaker will be treated as a visitor for 90 days. After the 90 days has elapsed, the caretaker will be considered a family member unless information is provided that would confirm that the caretaker's role is temporary. In such cases the GRHC will extend the caretaker's status as an eligible visitor.
- At any time that custody or guardianship legally has been awarded to a caretaker, the lease will be transferred to the caretaker, as head of household.
- During any period that a caretaker is considered a visitor, the income of the caretaker is not counted in annual income and the caretaker does not qualify the family for any deductions from income.

6-I.C. ANTICIPATING ANNUAL INCOME

The GRHC is required to count all income "anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date" [24 CFR 5.609(a)(2)].

Basis of Annual Income Projection

The GRHC generally will use current circumstances to determine anticipated income for the coming 12-month period. However, under certain conditions, HUD authorizes the GRHC to use other than current circumstances to anticipate income. When EIV is obtained and the family does not dispute the EIV employer data, the GRHC will use current tenant-provided documents to project annual income. When the tenant-provided documents are pay stubs, the GRHC will make every effort to obtain current and consecutive pay stubs dated within the last 60 days. The GRHC will obtain written and/or oral third-party verification in accordance with the verification requirements and policy in Chapter 7 in the following cases:

- If EIV or other UIV data is not available,
- If the family disputes the accuracy of the EIV employer data, and/or If the GRHC determines additional information is needed.

In such cases, the GRHC will review and analyze current data to anticipate annual income. In all cases, the family file will be documented with a clear record of the reason for the decision, and a clear audit trail will be left as to how the GRHC annualized projected income. When the GRHC cannot readily anticipate income based upon current circumstances (e.g., in the case of seasonal employment, unstable working hours, or suspected fraud), the GRHC will review and analyze historical data for patterns of employment, paid benefits, and receipt of other income and use the results of this analysis to establish annual income. Any time current circumstances are not used to

project annual income, a clear rationale for the decision will be documented in the file. In all such cases the family may present information and documentation to the GRHC to show why the historic pattern does not represent the family's anticipated income.

Example: An employer reports that a full-time employee who has been receiving \$8/hour will begin to receive \$8.25/hour in the eighth week after the effective date of the reexamination. In such a case the GRHC would calculate annual income as follows: $(\$8/\text{hour} \times 40 \text{ hours} \times 7 \text{ weeks}) + (\$8.25 \times 40 \text{ hours} \times 45 \text{ weeks})$.

Known Changes in Income

If the GRHC verifies an upcoming increase or decrease in income, annual income will be calculated by applying each income amount to the appropriate part of the 12-month period. The family may present information that demonstrates that implementing a change before its effective date would create a hardship for the family. In such cases the GRHC will calculate annual income using current circumstances and then require an interim reexamination when the change occurs. This requirement will be imposed even if the GRHC's policy on reexaminations does not require interim reexaminations for other types of changes. When tenant-provided third-party documents are used to anticipate annual income, they will be dated within the last 60 calendar days of the reexamination interview date.

Projecting Income - EIV Prohibition

The GRHC will not utilize EIV to project income for a family.

6-I.D. EARNED INCOME [24 CFR 5.609(b) and (c)]

This section lists types of **earned** income and specifies whether they are included in or excluded from annual income.

Types of Earned Income Included in Annual Income

Wages and Related Compensation [24 CFR 5.609(b)(1)]

The regulation at 24 CFR 5.609(b)(1) requires the GRHC to include in annual income all forms of "compensation for personal services." While some forms, like regular wages and salaries, may be easy to anticipate, other forms, like bonuses and commissions, may vary considerably from one pay period to the next. For persons who regularly receive bonuses or commissions, the GRHC will verify, and then average amounts received for the two years preceding admission or reexamination. If only a one-year history is available, the GRHC will use the prior year amounts. In either case the family may provide, and the GRHC will consider, a credible justification for not using this history to anticipate future bonuses or commissions. If a new employee has not yet received any bonuses or commissions, the GRHC will count only the amount estimated by the employer.

Types of Earned Income Not Counted in Annual Income

Temporary, Nonrecurring, or Sporadic Income [24 CFR 5.609(c)(9)]

Sporadic income is income that is not received periodically and cannot be reliably predicted. For example, the income of an individual who works occasionally as a handyman would be considered sporadic if future work could not be anticipated and no historic, stable pattern of income existed.

State and Local Employment Training Programs [24 CFR 5.609(c)(8)(v)]

Incremental earnings and benefits to any family member resulting from participation in qualifying state or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff are excluded from annual income. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives and are excluded only for the period during which the family member participates in the training program. The GRHC defines *training program* as “a learning process with goals and objectives, generally having a variety of components, and taking place in a series of sessions over a period of time. It is designed to lead to a higher level of proficiency, and it enhances the individual’s ability to obtain employment. It may have performance standards to measure proficiency. Training may include but is not limited to: (1) classroom training in a specific occupational skill, (2) on-the-job training with wages subsidized by the program, or (3) basic education” [expired Notice PIH 98-2, p. 3]. The GRHC defines *incremental earnings and benefits* as the difference between (1) the total amount of welfare assistance and earnings of a family member prior to enrollment in a training program and (2) the total amount of welfare assistance and earnings of the family member after enrollment in the program [expired Notice PIH 98-2, pp. 3–4]. In calculating the incremental difference, the GRHC will use as the pre-enrollment income the total annualized amount of the family member’s welfare assistance and earnings reported on the family’s most recently completed HUD-50058. End of participation in a training program must be reported in accordance with the interim reporting requirements found in the GRHC’s reexamination policy.

HUD-Funded Training Programs [24 CFR 5.609(c)(8)(i)]

For consistency, the same definition of *training program* for HUD-funded training programs as for state and local employment training programs will be used. To qualify as a training program, the program must meet the definition of *training program* provided above for state and local employment training programs.

6-I.E. EARNED INCOME DISALLOWANCE [24 CFR 960.255; Streamlining Final Rule (SFR) Federal Register 3/8/16]

The earned income disallowance (EID) encourages people with disabilities to enter the work force by not including the full value of increases in earned income for a period. The full text of 24 CFR 5.617 is included as Exhibit 6-4 at the end of this chapter. Eligibility criteria and limitations on the disallowance are summarized below.

Eligibility

This disallowance applies only to individuals in families already participating in the Public Housing program (not at initial examination). To qualify, the family must experience an increase in annual income that is the result of one of the following events:

- Employment of a family member who is a person with disabilities and who was previously unemployed for one or more years prior to employment. Previously unemployed includes a person who annually has earned not more than the minimum wage applicable to the community multiplied by 500 hours. The applicable minimum wage is the federal minimum wage unless there is a higher state or local minimum wage.
- Increased earnings by a family member who is a person with disabilities and whose earnings increase during participation in an economic self-sufficiency or job-training

program. A self-sufficiency program includes a program designed to encourage, assist, train, or facilitate the economic independence of HUD-assisted families or to provide work to such families [24 CFR 5.603(b)].

- New employment or increased earnings by a family member who is a person with disabilities and who has received benefits or services under Temporary Assistance for Needy Families (TANF) or any other state program funded under Part A of Title IV of the Social Security Act within the past six months. If the benefits are received in the form of monthly maintenance, there is no minimum amount. If the benefits or services are received in a form other than monthly maintenance, such as one-time payments, wage subsidies, or transportation assistance, the total amount received over the six-month period must be at least \$500.

Calculation of the Disallowance

Calculation Method

Initial 12-Month Exclusion

During the initial exclusion period of 12 consecutive months, the full amount (100 percent) of any increase in income attributable to new employment or increased earnings is excluded. The EID regulations state that the initial 12-month exclusion period begins “on the date a member who is a person with disabilities of a qualified family is first employed or the family first experiences an increase in annual income attributable to employment” [24 CFR 5.617(c)(1)]. However, in frequently asked questions on the EID, HUD has stated that, for tracking and administrative purposes, a GRHC may begin the EID on the first day of the month following new employment or an increase in earnings. The initial EID exclusion period will begin on the first of the month following the date an eligible member of a qualified family is first employed or first experiences an increase in earnings.

Second 12-Month Exclusion

During the second exclusion period of 12 consecutive months, the GRHC must exclude at least 50 percent of any increase in income attributable to employment or increased earnings. During the second 12-month exclusion period, the GRHC will exclude 50 percent of any increase in income attributable to new employment or increased earnings. During the 24-month eligibility period, the GRHC will schedule and conduct an interim reexamination each time there is a change in the family member’s annual income that affects or is affected by the EID (e.g., when the family member’s income falls to a level at or below his or her baseline income, when one of the exclusion periods ends, and at the end of the lifetime maximum eligibility period).

Lifetime Limitation

The EID has a two-year (24-month) lifetime maximum. The two-year eligibility period begins while the initial exclusion period begins and ends 24 months later. During the 24-month period, an individual remains eligible for EID even if they begin to receive assistance from a different housing agency, move between public housing and Section 8 assistance, or have breaks in assistance.

Individual Savings Accounts [24 CFR 960.255(d)]

The GRHC chooses not to establish a system of individual savings accounts (ISAs) for families who qualify for the EID. The rules pertaining to ISAs do not apply to this public housing program.

6-I.F. BUSINESS INCOME [24 CFR 5.609(b)(2)]

Annual income includes “the net income from the operation of a business or profession.” Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family” [24 CFR 5.609(b)(2)].

Definitions for Calculating Business Income

HUD uses several financial terms in the regulation but does not define them. The ACOP clarifies the meaning of these terms below.

Business Expenses

Calculation of net income requires that business expenses be deducted, but the regulation provides no list of allowable business expenses. Net income is “gross income less business expense” [HCV GB, p. 5-19]. To determine business expenses that may be deducted from gross income, the GRHC will use current applicable Internal Revenue Service (IRS) rules for determining allowable business expenses [see IRS Publication 535], unless a topic is addressed by HUD regulations or guidance as described below.

Business Expansion

HUD rules specify that the cost of business expansion may not be used to determine net income from a business but does not define *business expansion*. *Business expansion* is defined as any capital expenditures made to add new business activities, to expand current facilities, or to operate a business in additional locations. For example, purchase of a street sweeper by a construction business for the purpose of adding street cleaning to the services offered by the business would be considered a business expansion. Similarly, the purchase of a property by a hair care business to open at a second location would be considered a business expansion.

Capital Indebtedness

HUD rules specify that amortization of capital indebtedness cannot be counted as a business expense for the purpose of determining net income. The language included below explains what this means and clarifies how capital indebtedness is handled in rent calculations. *Capital indebtedness* is defined as the principal portion of the payment on a capital asset such as land, buildings, and machinery. This means the GRHC will allow as a business expense interest, but not principal, paid on capital indebtedness.

Negative Business Income

The ACOP borrows language from HUD Handbook 4350.3 [p. 5-10] to clarify that no income will be counted if business income is negative and that losses cannot offset other income.

Withdrawal of Cash or Assets from a Business

The regulation requires the GRHC to include in annual income the value of cash or assets withdrawn from a business unless the withdrawal reimburses a family member for investments the

family has made in the business. However, it gives no guidance about what constitutes an investment that may be reimbursed. Acceptable investments in a business include cash loans and contributions of assets or equipment. For example, if a member of tenant family provided an up-front loan of \$2,000 to help a business get started, the GRHC will not count as income any withdrawals from the business up to the amount of this loan until the loan has been repaid. Investments do not include the value of labor contributed to the business without compensation.

Co-owned Businesses

If a business is co-owned with someone outside the family, the family must document the share of the business it owns. If the family's share of the income is lower than its share of ownership, the family must document the reasons for the difference.

6-I.G. ASSETS [24 CFR 5.609(b)(3) and 24 CFR 5.603(b)]

Overview

There is no asset limitation for participation in the public housing program. However, HUD requires that the GRHC include in annual income the anticipated "interest, dividends, and other net income of any kind from real or personal property" [24 CFR 5.609(b)(3)]. This section provides guidance on how different types of assets are valued and how income from these assets is established. The section begins with a discussion of general policies related to assets and then provides HUD rules and GRHC policies related to each type of asset. Each type of asset covered in the ACOP is identified below. Only those that require a GRHC policy are discussed below, optional policies for family self-certification of assets are found in Chapter 7.

General Policies

Income from Assets

The GRHC generally will use current circumstances to determine both the value of an asset and the anticipated income from the asset. The ACOP provides a policy clarifying how the GRHC will deal with situations in which something other than current circumstances is used to determine income from an asset. Any time current circumstances are not used to determine asset income, a clear rationale for the decision will be documented in the file. In such cases the family may present information and documentation to the GRHC to show why the asset income determination does not represent the family's anticipated asset income.

Valuing Assets

Reasonable costs that would be incurred when disposing of an asset include, but are not limited to, penalties for premature withdrawal, broker and legal fees, and settlement costs incurred in real estate transactions [HCV GB, p. 5- 28 and PH Occ GB, p. 121].

Lump-Sum Receipts

Payments that are received in a single lump sum, such as inheritances, capital gains, lottery winnings, insurance settlements, and proceeds from the sale of property, are generally considered assets, not income. However, such lump-sum receipts are counted as assets only if they are retained by a family in a form recognizable as an asset (e.g., deposited in a savings or checking account) [RHIIP FAQs]. (For a discussion of lump-sum payments that represent the delayed start of a periodic payment, most of which are counted as income, see sections 6-I.H and 6-I.I.)

Imputing Income from Assets

The GRHC initially set the imputed asset passbook rate at the national rate established by the Federal Deposit Insurance Corporation (FDIC). The GRHC will review the passbook rate annually. The rate will not be adjusted unless the current GRHC rate is no longer within 0.75 percent of the national rate. If it is no longer within 0.75 percent of the national rate, the passbook rate will be set at the current national rate. The effective date of changes to the passbook rate will be determined at the time of the review.

Determining Actual Anticipated Income from Assets

It may or may not be necessary for the GRHC to use the value of an asset to compute the actual anticipated income from the asset. When the value is required to compute the anticipated income from an asset, the market value of the asset is used. For example, if the asset is a property for which a family receives rental income, the anticipated income is determined by annualizing the actual monthly rental amount received for the property; it is not based on the property's market value. However, if the asset is a savings account, the anticipated income is determined by multiplying the market value of the account by the interest rate on the account.

Withdrawal of Cash or Liquidation of Investments

Any withdrawal of cash or assets from an investment will be included in income except to the extent that the withdrawal reimburses amounts invested by the family. For example, when a family member retires, the amount received by the family from a retirement investment plan is not counted as income until the family has received payments equal to the amount the family member deposited into the retirement investment plan.

Jointly Owned Assets

The regulation at 24 CFR 5.609(a)(4) specifies that annual income includes "amounts derived (during the 12-month period) from assets to which any member of the family has access."

- Assets include "assets which, although owned by more than one person, allow unrestricted access by the applicant."
- Assets do **not** include "assets not controlled by or accessible to the family and which provide no income for the family."

If an asset is owned by more than one person and any family member has unrestricted access to the asset, the GRHC will count the full value of the asset. A family member has unrestricted access to an asset when he or she can legally dispose of the asset without the consent of any of the other owners. If an asset is owned by more than one person, including a family member, but the family member does not have unrestricted access to the asset, the GRHC will prorate the asset according to the percentage of ownership. If no percentage is specified or provided for by state or local law, the GRHC will prorate the asset evenly among all owners.

Assets Disposed of for Less than Fair Market Value

HUD regulations require the GRHC to count as a current asset any business or family asset that was disposed of for less than fair market value during the two years prior to the effective date of the examination/reexamination, except as noted below.

Minimum Threshold

The GRHC may set a threshold below which assets disposed of for less than fair market value will

not be counted [HCV GB, p. 5-27]. The GRHC will not include the value of assets disposed of for less than fair market value unless the cumulative fair market value of all assets disposed of during the past two years exceeds the gross amount received for the assets by more than \$1,000. When the two-year period expires, the income assigned to the disposed asset(s) also expires. If the two-year period ends between annual recertifications, the family may request an interim recertification to eliminate consideration of the asset(s). Assets placed by the family in nonrevocable trusts are considered assets disposed of for less than fair market value except when the assets placed in trust were received through settlements or judgments.

Separation or Divorce

The regulation also specifies that assets are not considered disposed of for less than fair market value if they are disposed of as part of a separation or divorce settlement and the applicant or tenant receives “important consideration” not measurable in dollar terms. The regulation does not specify what important consideration might be. All assets disposed of as part of a separation or divorce settlement will be considered assets for which important consideration not measurable in monetary terms has been received. To qualify for this exemption, a family member must be subject to a formal separation or divorce settlement agreement established through arbitration, mediation, or court order.

Foreclosure or Bankruptcy

Assets are not considered disposed of for less than fair market value when the disposition is the result of a foreclosure or bankruptcy sale.

Family Declaration

Families must sign a declaration form at initial certification and each annual recertification identifying all assets that have been disposed of for less than fair market value or declaring that no assets have been disposed of for less than fair market value. The GRHC may verify the value of the assets disposed of if other information available to the GRHC does not appear to agree with the information reported by the family.

Types of Assets

Checking and Savings Accounts

For regular checking accounts and savings accounts, cash value has the same meaning as market value. If a checking account does not bear interest, the anticipated income from the account is zero. In determining the value of a checking account, the GRHC will use the current balance. In determining the value of a savings account, the GRHC will use the current balance. In determining the anticipated income from an interest-bearing checking or savings account, the GRHC will multiply the value of the account by the current rate of interest paid on the account.

Investment Accounts Such as Stocks, Bonds, Saving Certificates, and Money Market Funds

When family assets are held in investment accounts, calculating asset value and anticipated income can be difficult because of fluctuations in value and rates of return. The ACOP provides a clarification of HUD policy related both to how assets are valued and how income is determined. In determining the market value of an investment account, the GRHC will use the value of the account on the most recent investment report. How anticipated income from an investment account will be calculated depends on whether the rate of return is known. For assets that are held in an

investment account with a known rate of return (e.g., savings certificates), asset income will be calculated based on that known rate (market value multiplied by rate of earnings). When the anticipated rate of return is not known (e.g., stocks), the GRHC will calculate asset income based on the earnings for the most recent reporting period.

Equity in Real Property or Other Capital Investments

Equity is the estimated current market value of an asset (such as a house) less the unpaid balance on all loans secured by the asset and reasonable costs (such as broker fees) that would be incurred in selling the asset [HCV GB, p. 5-25 and PH, p. 121]. The ACOP lists types of property and capital investment that are not counted and explains how assets and income are determined for two types of capital investment: (1) family ownership of a mortgage or deed of trust and (2) joint ownership of real property with someone outside the family unit. In determining the equity, the GRHC will determine market value by examining recent sales of at least three properties in the surrounding or similar neighborhood that possess comparable factors that affect market value. The GRHC will first use the payoff amount for the loan (mortgage) as the unpaid balance to calculate equity. If the payoff amount is not available, the GRHC will use the basic loan balance information to deduct from the market value in the equity calculation. For the purposes of calculating expenses to convert to cash for real property, the GRHC will use ten percent of the market value of the home. In the case of capital investments owned jointly with others not living in a family's unit, a prorated share of the property's cash value will be counted as an asset unless the GRHC determines that the family receives no income from the property and is unable to sell or otherwise convert the asset to cash.

Trusts

A trust is a legal arrangement generally regulated by state law in which one party (the creator or grantor) transfers property to a second party (the trustee) who holds the property for the benefit of one or more third parties (the beneficiaries).

Revocable Trusts

If any member of a family has the right to withdraw the funds in a trust, the value of the trust is considered an asset [HCV GB, p. 5-25]. Any income earned as a result of investment of trust funds is counted as actual asset income, whether the income is paid to the family or deposited in the trust.

Nonrevocable Trusts

In cases where a trust is not revocable by, or under the control of, any member of a family, the value of the trust fund is not considered an asset. However, any income distributed to the family from such a trust is counted as a periodic payment or a lump-sum receipt, as appropriate [24 CFR 5.603(b)]. (Periodic payments are covered in section 6-I.H. Lump-sum receipts are discussed earlier in this section.)

Retirement Accounts

Company Retirement/Pension Accounts

In order to correctly include or exclude as an asset any amount held in a company retirement or pension account by an employed person, the GRHC must know whether the money is accessible before retirement [HCV GB, p. 5-26]. While a family member is employed, only the amount the family member can withdraw without retiring or terminating employment is counted as an asset

[HCV GB, p. 5-26]. After a family member retires or terminates employment, any amount distributed to the family member is counted as a periodic payment or a lump-sum receipt, as appropriate [HCV GB, p. 5-26], except to the extent that it represents funds invested in the account by the family member. (For more on periodic payments, see section 6-I.H.) The balance in the account is counted as an asset only if it remains accessible to the family member.

IRA, Keogh, and Similar Retirement Savings Accounts

IRA, Keogh, and similar retirement savings accounts are counted as assets even though early withdrawal would result in a penalty [HCV GB, p. 5-25].

Personal Property

HUD rules exclude from assets necessary items of personal property such as furniture and automobiles [24 CFR 5.603(b)]. However, they do not exclude personal property held as an investment. The ACOP establishes how the GRHC will value personal property held as an investment and what items of personal property it will consider necessary. In determining the value of personal property held as an investment, the GRHC will use the family's estimate of the value. However, the GRHC also may obtain an appraisal if appropriate to confirm the value of the asset. The family must cooperate with the appraiser but cannot be charged any costs related to the appraisal. Generally, personal property held as an investment generates no income until it is disposed of. If regular income is generated (e.g., income from renting the personal property), the amount that is expected to be earned in the coming year is counted as actual income from the asset. Necessary personal property consists of items such as clothing, furniture, household furnishings, jewelry that is not held as an investment, and vehicles, including those specially equipped for persons with disabilities.

Life Insurance

The cash value of a life insurance policy available to a family member before death, such as a whole life or universal life policy, is included in the calculation of the value of the family's assets [HCV GB 5-25]. The cash value is the surrender value. If such a policy earns dividends or interest that the family could elect to receive, the anticipated amount of dividends or interest is counted as income from the asset whether or not the family actually receives it.

6-I.H. PERIODIC PAYMENTS

HUD regulations specifically exclude from annual income a few forms of periodic payments. All other forms must be included. The ACOP lists the main categories that are included as well as the specific types that are excluded. It also addresses the treatment of lump-sum amounts that represent the delayed start of a periodic payment. (For a discussion of other lump-sum receipts, see section 6-I.G.)

Periodic Payments Included in Annual Income

Periodic payments are forms of income received on a regular basis. HUD regulations specify periodic payments that are and are not included in annual income. Periodic payments Included in Annual Income:

- Periodic payments from sources such as social security, unemployment and welfare assistance, annuities, insurance policies, retirement funds, and pensions. However, periodic payments from retirement accounts, annuities, and similar forms of investments are

counted only after they exceed the amount contributed by the family [24 CFR 5.609(b)(4) and (b)(3)]. • Disability or death benefits and lottery receipts paid periodically, rather than in a single lump sum [24 CFR 5.609(b)(4) and HCV, p. 5-14].

Lump-Sum Payments for the Delayed Start of a Periodic Payment

HUD requires that GRHC include in annual income most lump sums and prospective amounts that are received as the result of delays in the processing of ongoing forms of periodic income. However, the regulation specifically exempts deferred social security and SSI lump-sum payments, and deferred disability benefits from the Department of Veterans Affairs from this requirement. Deferred lump-sum payments from these sources are **not** counted as income whether they are paid in a single lump sum or in prospective monthly amounts [24 CFR 5.609(c)(14)]. When a delayed-start payment is received and reported during the period in which the GRHC is processing an annual reexamination, the GRHC will adjust the tenant rent retroactively for the period the payment was intended to cover. The family may pay in full any amount due or request to enter into a repayment agreement with the GRHC. See the chapter on reexaminations for information about a family's obligation to report lump-sum receipts between annual reexaminations.

Treatment of Overpayment Deductions from Social Security Benefits

The GRHC must make a special calculation of annual income when the Social Security Administration (SSA) overpays an individual, resulting in a withholding or deduction from his or her benefit amount until the overpayment is paid in full. The amount and duration of the withholding will vary depending on the amount of the overpayment and the percent of the benefit rate withheld. Regardless of the amount withheld or the length of the withholding period, the GRHC must use the reduced benefit amount after deducting only the amount of the overpayment withholding from the gross benefit amount [Notice PIH 2018-24].

Periodic Payments Excluded from Annual Income

The GRHC will exclude:

- Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the assisted family, who are unable to live alone) [24 CFR 5.609(c)(2)] only if the care is provided through an official arrangement with a local welfare agency [HCV GB, p. 5-18].
- Kinship guardianship assistance payments (Kin-GAP) and other similar guardianship payments are treated the same as foster care payments and are likewise excluded from annual income [Notice PIH 2012-1].
- Amounts paid by a state agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home [24 CFR 5.609(c)(16)].
- Amounts received under the Low-Income Home Energy Assistance Program (42 U.S.C. 1626(c)) [24 CFR 5.609(c)(17)].
- Amounts received under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858q) [24 CFR 5.609(c)(17)]. • Earned Income Tax Credit (EITC) refund payments (26 U.S.C. 32(j)) [24 CFR 5.609(c)(17)]. Note: EITC may be paid periodically if the family elects to receive the amount due as part of payroll payments from an employer.
- Lump-sums received as a result of delays in processing Social Security and SSI payments

(see section 6-I.H.) [24 CFR 5.609(c)(14)].

- Lump-sums or prospective monthly amounts received as deferred disability benefits from the Department of Veterans Affairs (VA) [24 CFR 5.609(c)(14)].

6-I.I. PAYMENTS IN LIEU OF EARNINGS

Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay, are counted as income [24 CFR 5.609(b)(5)] if they are received either in the form of periodic payments or in the form of a lump-sum amount or prospective monthly amounts for the delayed start of a periodic payment. If they are received in a one-time lump sum (as a settlement, for instance), they are treated as lump-sum receipts [24 CFR 5.609(c)(3)]. (See also the discussion of periodic payments in section 6-I.H and the discussion of lump-sum receipts in section 6-I.G.)

6-I.J. WELFARE ASSISTANCE

Welfare assistance is counted in annual income. Welfare assistance includes Temporary Assistance for Needy Families (TANF) and any payments to individuals or families based on need that are made under programs funded separately or jointly by federal, state, or local governments [24 CFR 5.603(b)].

Sanctions Resulting in the Reduction of Welfare Benefits [24 CFR 5.615]

The GRHC must make a special calculation of annual income when the welfare agency imposes certain sanctions on certain families. The full text of the regulation at 24 CFR 5.615 is provided as Exhibit 6-5. The requirements are summarized below. This rule applies only if a family was receiving HCV assistance at the time the sanction was imposed.

Covered Families

The families covered by 24 CFR 5.615 are those “who receive welfare assistance or other public assistance benefits (‘welfare benefits’) from a State or other public agency (‘welfare agency’) under a program for which Federal, State or local law requires that a member of the family must participate in an economic self-sufficiency program as a condition for such assistance” [24 CFR 5.615(b)]

Imputed Income

When a welfare agency imposes a sanction that reduces a family's welfare income because the family commits fraud or fails to comply with the agency's economic self-sufficiency program or work activities requirement, the GRHC must include in annual income “imputed” welfare income. The GRHC must request that the welfare agency provide the reason for the reduction of benefits and the amount of the reduction of benefits. The imputed welfare income is the amount that the benefits were reduced as a result of the sanction.

This requirement does not apply to reductions in welfare benefits: (1) at the expiration of the lifetime or other time limit on the payment of welfare benefits, (2) if a family member is unable to find employment even though the family member has complied with the welfare agency economic self-sufficiency or work activities requirements, or (3) because a family member has not complied with other welfare agency requirements [24 CFR 5.615(b)(2)].

Offsets

The amount of the imputed welfare income is offset by the amount of additional income the family begins to receive after the sanction is imposed. When the additional income equals or exceeds the imputed welfare income, the imputed income is reduced to zero [24 CFR 5.615(c)(4)].

Special Rules for As-Paid Welfare Localities [24 CFR 5.609(b)(6)(ii)]

An as-paid welfare assistance system is not used in the GRHC's jurisdiction.

6-I.K. PERIODIC AND DETERMINABLE ALLOWANCES [24 CFR 5.609(b)(7)]

Alimony and Child Support

The GRHC must count alimony or child support amounts awarded as part of a divorce or separation agreement *unless* the GRHC verifies that the payments are not being made. The GRHC must determine what documentation is required to show that the family receives less than the court-ordered amount [HCV GB, p. 5-23]. The GRHC will count court-awarded amounts for alimony and child support unless the GRHC verifies that (1) the payments are not being made and (2) the family has made reasonable efforts to collect amounts due, including filing with courts or agencies responsible for enforcing payments [HCV GB, pp. 5- 23 and 5-47]. Families who do not have court-awarded alimony and child support awards are not required to seek a court award and are not required to take independent legal action to obtain collection.

Regular Contributions or Gifts

The GRHC must count as income regular monetary and nonmonetary contributions or gifts from someone outside the family [24 CFR 5.609(b)(7)]. Temporary, nonrecurring, or sporadic income and gifts are not counted [24 CFR 5.609(c)(9)]. Examples of regular contributions include: (1) regular payment of a family's bills (e.g., utilities, telephone, rent, credit cards, and car payments), (2) cash or other liquid assets provided to any family member on a regular basis, and (3) "in-kind" contributions such as groceries and clothing provided to a family on a regular basis. Nonmonetary contributions will be valued at the cost of purchasing the items, as determined by the GRHC. For contributions that may vary from month to month (e.g., utility payments), the GRHC will include an average amount based upon past history.

6-I.L. ADDITIONAL EXCLUSIONS FROM ANNUAL INCOME

Regular financial support from parents or guardians to students for food, clothing personal items, and entertainment **is not** considered student financial assistance and is included **in** annual income.

PART II: ADJUSTED INCOME

6-II.A. INTRODUCTION

Overview

Part II of this chapter discusses five mandatory deductions from annual income provided for in the regulations at 24 CFR 5.611. These deductions include:

- \$480 for each dependent
- \$400 for any elderly family or disabled family
- Unreimbursed medical expenses
- Unreimbursed disability assistance expenses that enable a family member to work
- Reasonable childcare expenses that enable a family member to seek work, be employed, or pursue his or her education.

This section also discusses GRHC policies with respect to anticipating expenses.

Anticipating Expenses

Generally, the GRHC will use current circumstances to anticipate expenses. When possible, for costs that are expected to fluctuate during the year (e.g., childcare during school and non-school periods and cyclical medical expenses), the GRHC will estimate costs based on historic data and known future costs. If a family has an accumulated debt for medical or disability assistance expenses, the GRHC will include as an eligible expense the portion of the debt that the family expects to pay during the period for which the income determination is being made. However, amounts previously deducted will not be allowed even if the amounts were not paid as expected in a preceding period. The GRHC may require the family to provide documentation of payments made in the preceding year.

6-II.B. DEPENDENT DEDUCTION

An allowance of \$480 is deducted from annual income for each dependent [24 CFR 5.611(a)(1)]. A dependent is defined as any family member other than the head, spouse, or cohead who is under the age of 18 or who is 18 or older and is a person with disabilities or a full-time student. Foster children, foster adults, and live-in aides are never considered dependents [24 CFR 5.603(b)]

6-II.C. ELDERLY OR DISABLED FAMILY DEDUCTION

A single deduction of \$400 is taken for any elderly or disabled family [24 CFR 5.611(a)(2)]. An elderly family is a family whose head, spouse, cohead, or sole member is 62 years of age or older, and a disabled family is a family whose head, spouse, cohead, or sole member is a person with disabilities [24 CFR 5.403].

6-II.D. MEDICAL EXPENSES DEDUCTION [24 CFR 5.611(a)(3)(i) and 5.603(b)]

Unreimbursed medical expenses may be deducted to the extent that, in combination with any disability assistance expenses, they exceed three percent of annual income. Medical expense deduction is permitted only for families in which the head, spouse, or cohead is at least 62 or is a person with disabilities. If a family is eligible for a medical expense deduction, the medical expenses of all family members are counted [VG, p. 28]

Definition of Medical Expenses

GRHC will use IRS Publication 502, *Medical and Dental Expenses*, as a reference for defining

what qualifies as a medical expense [VG, p. 27]

| Summary of Allowable Medical Expenses from IRS Publication 502 | |
|--|---|
| <ul style="list-style-type: none"> • Services of medical professionals • Surgery and medical procedures that are necessary, legal, non cosmetic • Services of medical facilities • Hospitalization, long-term care, and in-home nursing services • Prescription medicines and insulin, but <u>not</u> nonprescription medicines even if recommended by a doctor • Improvements to housing directly related to medical needs (e.g., ramps for a wheel chair, handrails) • Substance abuse treatment programs | <ul style="list-style-type: none"> • Psychiatric treatment • Ambulance services and some costs of transportation related to medical expenses • The cost and care of necessary equipment related to a medical condition (e.g., eyeglasses/lenses, hearing aids, crutches, and artificial teeth) • Cost and continuing care of necessary service animals • Medical insurance premiums or the cost of a health maintenance organization (HMO) |
| <p>Note: This chart provides a summary of eligible medical expenses only. Detailed information is provided in IRS Publication 502. Medical expenses are considered only to the extent they are not reimbursed by insurance or some other source.</p> | |

Families That Qualify for Both Medical and Disability Assistance Expenses

In elderly or disabled households, it is possible that the same expense could be considered either a medical expense or a disability assistance expense. This policy applies only to families in which the head or spouse is 62 or older or is a person with disabilities. When expenses anticipated by a family could be defined as either medical or disability assistance expenses, the GRHC will consider them medical expenses unless the expenses are incurred exclusively to enable a person with disabilities to work.

6-II.E. DISABILITY ASSISTANCE EXPENSES DEDUCTION [24 CFR 5.603(b) and 5.611(a)(3)(ii)]

Unreimbursed disability assistance expenses may be deducted to the extent that the sum of those expenses and any medical expenses for which a family is eligible exceed three percent of annual income. Reasonable expenses for attendant care and auxiliary apparatus for a disabled family member may be deducted if they: (1) are necessary to enable a family member 18 years or older to work, (2) are not paid to a family member or reimbursed by an outside source, (3) in combination with any medical expenses, exceed three percent of annual income, and (4) do not exceed the earned income received by the family member who is enabled to work.

Earned Income Limit on the Disability Assistance Expense Deduction

The family must identify the family members enabled to work as a result of the disability assistance expenses. In evaluating the family's request, the GRHC will consider factors such as how the work schedule of the relevant family members relates to the hours of care provided, the time required for transportation, the relationship of the family members to the person with disabilities, and any special needs of the person with disabilities that might determine which family members are

enabled to work. When the GRHC determines that the disability assistance expenses enable more than one family member to work, the disability assistance expenses will be capped by the sum of the family members' incomes [PH Occ GB, p. 124].

Eligible Disability Expenses

Eligible Auxiliary Apparatus

Expenses incurred for maintaining or repairing an auxiliary apparatus are eligible. In the case of an apparatus that is specially adapted to accommodate a person with disabilities (e.g., a vehicle or computer), the cost to maintain the special adaptations (but not maintenance of the apparatus itself) is an eligible expense. The cost-of-service animals trained to give assistance to persons with disabilities, including the cost of acquiring the animal, veterinary care, food, grooming, and other continuing costs of care, will be included.

Eligible Attendant Care

When a family includes a person with disabilities, the family determines the type of attendant care, if any that is appropriate for the person.

Attendant care includes, but is not limited to, reasonable costs for home medical care, nursing services, in-home or center-based care services, interpreters for persons with hearing impairments, and readers for persons with visual disabilities.

Attendant care expenses will be included for the period that the person enabled to work is employed plus reasonable transportation time. The cost of general housekeeping and personal services is not an eligible attendant care expense. However, if the person enabled to work is the person with disabilities, personal services necessary to enable the person with disabilities to work are eligible.

If the care attendant also provides other services to the family, the GRHC will prorate the cost and allow only that portion of the expenses attributable to attendant care that enables a family member to work. For example, if the care provider also cares for a child who is not the person with disabilities, the cost of care must be prorated. Unless otherwise specified by the care provider, the calculation will be based upon the number of hours spent in each activity and/or the number of persons under care.

Payments to Family Members

No disability assistance expenses may be deducted for payments to a member of an assisted family [24 CFR 5.603(b)]. However, expenses paid to a relative who is not a member of the assisted family may be deducted if they are not reimbursed by an outside source.

Necessary and Reasonable Expenses

The regulation requires disability assistance expenses to be "necessary" and "reasonable," but HUD provides no further definition of these terms. It is not appropriate for GRHC staff to determine the medical or care needs of a person with disabilities. Therefore, the person's family, not the GRHC, must determine the type of attendant care or auxiliary apparatus that is necessary. However, the GRHC must still determine whether the cost of the disability assistance is reasonable.

The GRHC determines the reasonableness of the expenses based on typical costs of care or apparatus in the locality. To establish typical costs, the GRHC will collect information from organizations that provide services and support to persons with disabilities. A family may present,

and the GRHC will consider, the family's justification for costs that exceed typical costs in the area.

Families That Qualify for Both Medical and Disability Assistance Expenses

In elderly or disabled households, it is possible that the same expense could be considered either a medical expense or a disability assistance expense. The GRHC must clarify for staff how these expenses will be handled. This policy applies only to families in which the head, spouse, or cohead is 62 or older or is a person with disabilities. When expenses anticipated by a family could be defined as either medical or disability assistance expenses, the GRHC will consider them medical expenses unless the expenses are incurred exclusively to enable a person with disabilities to work.

6-II.F. CHILD CARE EXPENSE DEDUCTION

Qualifying for the Deduction

Determining Who Is Enabled to Pursue an Eligible Activity

Reasonable childcare expenses that enable a family member to be gainfully employed, to seek work, or to pursue his or her education can be deducted from annual income.

The family must identify the family member(s) enabled to pursue an eligible activity. The term *eligible activity* in this section means any of the activities that may make the family eligible for a childcare deduction (seeking work, pursuing an education, or being gainfully employed).

In evaluating the family's request, the GRHC will consider factors such as how the schedule for the claimed activity relates to the hours of care provided, the time required for transportation, the relationship of the family member(s) to the child, and any special needs of the child that might help determine which family member is enabled to pursue an eligible activity.

If the childcare expense being claimed is to enable a family member to seek employment, the family must provide evidence of the family member's efforts to obtain employment at each reexamination. The deduction may be reduced or denied if the family member's job search efforts are not commensurate with the childcare expense being allowed by the GRHC.

Furthering Education

If the childcare expense being claimed is to enable a family member to further his or her education, the member must be enrolled in school (academic or vocational) or participating in a formal training program. The family member is not required to be a full-time student, but the time spent in educational activities must be commensurate with the childcare claimed.

Being Gainfully Employed

If the childcare expense being claimed is to enable a family member to be gainfully employed, the family must provide evidence of the family member's employment during the time that childcare is being provided. Gainful employment is any legal work activity (full- or part-time) for which a family member is compensated.

Earned Income Limit on Child Care Expense Deduction

When more than one family member may be enabled to work, the GRHC must determine whose earned income to count when determining the cap on childcare expenses. The earned income used to limit the deduction is earned income after any disallowances or exclusions are applied (column 7f of form HUD-50058).

When the childcare expense being claimed is to enable a family member to work, only one family

member's income will be considered for a given period. When more than one family member works during a given period, the GRHC generally will limit allowable childcare expenses to the earned income of the lowest-paid member. The family may provide information that supports a request to designate another family member as the person enabled to work.

Eligible Child Care Expenses

For school-age children, costs attributable to public or private school activities during standard school hours are not considered. Expenses incurred for supervised activities after school or during school holidays (e.g., summer day camp, after-school sports league) are allowable forms of childcare. The costs of general housekeeping and personal services are not eligible. Likewise, childcare expenses paid to a family member who lives in the family's unit are not eligible; however, payments for childcare to relatives who do not live in the unit are eligible. If a childcare provider also renders other services to a family or childcare is used to enable a family member to conduct activities that are not eligible for consideration, the GRHC will prorate the costs and allow only that portion of the expenses that is attributable to childcare for eligible activities. For example, if the care provider also cares for a child with disabilities who is 13 or older, the cost of care will be prorated. Unless otherwise specified by the childcare provider, the calculation will be based upon the number of hours spent in each activity and/or the number of persons under care.

Necessary and Reasonable Costs

HUD regulations require childcare expenses to be "necessary" and "reasonable," but HUD provides no further definition of these terms. It is not appropriate for GRHC staff to determine the childcare needs of individual children. Therefore, the family, not the GRHC, must determine the type of childcare that is necessary. However, GRHC staff must still evaluate whether the timing and duration of the childcare are consistent with the eligible activities and whether the costs are reasonable for the type of care being provided.

Childcare expenses will be considered for the time required for the eligible activity plus reasonable transportation time. For childcare that enables a family member to go to school, the time allowed may include not more than one study hour for each hour spent in class.

To establish the reasonableness of childcare costs, the GRHC will use the schedule of childcare costs from the local welfare agency. Families may present, and the GRHC will consider, justification for costs that exceed typical costs in the area.

6-II.G. PERMISSIVE DEDUCTIONS [24 CFR 5.611(b)(1)]

The GRHC has opted not to use permissive deductions.

PART III: CALCULATING RENT

6-III.A. OVERVIEW OF INCOME-BASED RENT CALCULATIONS

This section of the ACOP presents the regulatory formula for calculating total tenant payment (TTP). Utility allowances are discussed in section 6-III.C.

TTP Formula [24 CFR 5.628]

A family's total tenant payment (TTP) is the greatest of:

- 30 percent of the family's monthly adjusted income
- 10 percent of the family's monthly gross income
- The welfare rent (in as-paid jurisdictions only)
- The minimum rent (established by the GRHC)

Minimum Rent [24 CFR 5.630]

The minimum rent for this locality is \$50.

Optional Changes to Income-Based Rents [24 CFR 960.253(c)(2) and PH Occ GB, pp. 131-134]

The GRHC chooses not to adopt optional changes to income-based rents.

Ceiling Rents [24 CFR 960.253(d)]

The GRHC will adjust ceiling rent to the flat rent level or no greater than 80% of the local area FMR provided by HUD on an annual basis.

Utility Reimbursement [24 CFR 960.253(c)]

Utility reimbursement occurs when any applicable utility allowance for tenant-paid utilities exceeds the TTP. HUD permits the GRHC to make the utility payment to the family or directly to the utility provider. The GRHC will make utility reimbursements to the family. The GRHC will issue all utility reimbursements monthly.

6-III.B. FINANCIAL HARDSHIPS AFFECTING MINIMUM RENT [24 CFR 5.630]

Overview

When a family requests a financial hardship exemption, the steps required by the regulations depend on whether the GRHC determines that the request is valid and whether the hardship will be temporary or long-term. HUD's requirements and GRHC decision points are described below.

HUD-Defined Financial Hardship

HUD-defined hardships specified in 24 CFR 5.630(b) include:

1. The family has lost eligibility for or is awaiting an eligibility determination for a federal, state, or local assistance program. This includes a family member who is a noncitizen lawfully admitted for permanent residence under the Immigration and Nationality Act who would be entitled to public benefits but for Title IV of the Personal Responsibility and Work Opportunity Act of 1996. A hardship will be considered to exist only if the loss of eligibility has an impact on the family's ability to pay the minimum rent. For a family waiting for a determination of eligibility, the hardship period will end as of the first of the month following (1) implementation of assistance, if approved, or (2) the decision to deny

assistance. A family whose request for assistance is denied may request a hardship exemption based upon one of the other allowable hardship circumstances.

2. The family would be evicted because it is unable to pay the minimum rent.
For a family to qualify under this provision, the cause of the potential eviction must be the family's failure to pay rent or tenant-paid utilities.
3. Family income has decreased because of changed family circumstances, including the loss of employment.
4. A death has occurred in the family.
To qualify under this provision, a family must describe how the death has created a financial hardship (e.g., because of funeral-related expenses or the loss of the family member's income).
5. The family has experienced other circumstances determined by the GRHC. The GRHC has not established any additional hardship criteria.

Implementation of Hardship Exemption

Determination of Hardship

When a family requests a financial hardship exemption, the GRHC must suspend the minimum rent requirement beginning the first of the month following the family's request. When the minimum rent is suspended, the TTP reverts to the highest of the remaining components of the calculated TTP. The GRHC then determines whether the financial hardship exists and whether the hardship is temporary or long-term. The GRHC defines temporary hardship as a hardship expected to last 90 days or less. Long term hardship is defined as a hardship expected to last more than 90 days. To qualify for a hardship exemption, a family must submit a request for a hardship exemption in writing. The request must explain the nature of the hardship and how the hardship has affected the family's ability to pay the minimum rent. The GRHC will make the determination of hardship within 30 calendar days.

No Financial Hardship

The regulation requires that if there is no financial hardship, the GRHC must reinstate the minimum rent and require the family to repay the amounts suspended on terms and conditions set by the GRHC [24 CFR 5.630(b)(2)(iii)(A)]. The GRHC will require the family to repay the suspended amount within 30 calendar days of the GRHC's notice that a hardship exemption has not been granted.

Temporary Hardship

If the GRHC determines that a qualifying financial hardship is temporary, the GRHC must reinstate the minimum rent from the beginning of the first of the month following the date of the family's request for a hardship exemption. The family must resume payment of the minimum rent and must repay the GRHC the amounts suspended. The GRHC will enter into a repayment agreement in accordance with the GRHC's repayment policy.

Long-Term Hardship

If the GRHC determines that the financial hardship is long-term, the GRHC must exempt the family from the minimum rent requirement for so long as the hardship continues. The exemption will apply from the first of the month following the family's request until the end of the qualifying hardship. Repayment of the minimum rent for the period of the long-term hardship is not required.

The hardship period ends when any of the following circumstances apply:

1. At an interim or annual reexamination, the family's calculated TTP is greater than the minimum rent.
2. For hardship conditions based on loss of income, the hardship condition will continue to be recognized until new sources of income are received that are at least equal to the amount lost. For example, if a hardship is approved because a family no longer receives a \$60/month child support payment, the hardship will continue to exist until the family receives at least \$60/month in income from another source or once again begins to receive the child support.
3. For hardship conditions based upon hardship-related expenses, the minimum rent exemption will continue to be recognized until the cumulative amount exempted is equal to the expense incurred.

6-III.C. UTILITY ALLOWANCES [24 CFR 965, Subpart E]

Overview

Utility allowances are provided to families paying income-based rents when the cost of utilities is not included in the rent.

Reasonable Accommodation [24 CFR 8]

The GRHC must make exceptions to their utility allowances when needed as a reasonable accommodation to make the program accessible to and usable by the family with a disability.

Utility Allowance Revisions

The tenant rent calculations must reflect any changes in the GRHC's utility allowance schedule [24 CFR 960.253(c)(3)]. Unless the GRHC is required to revise utility allowances retroactively, revised utility allowances will be applied to a family's rent calculations at the first annual reexamination after the allowance is adopted.

6-III.D. PRORATED RENT FOR "MIXED" FAMILIES [24 CFR 5.520]

Revised public housing flat rents will be applied to a mixed family's rent calculation at the first annual reexamination after the revision is adopted.

6-III.E. FLAT RENTS AND FAMILY CHOICE IN RENTS [24 CFR 960.253]

Flat Rents [24 CFR 960.253(b)]

The GRHC will utilize 80% of Local Area Fair Market Rent as the Flat Rent, as required by HUD guidance PIH Notice 2022-33.

Family Choice in Rents [24 CFR 960.253(a) and (e)]

Once each year, the GRHC must offer families the choice between a flat rent and an income-based rent. The family may not be offered this choice more than once a year. The annual GRHC offer to a family of the choice between flat and income-based rent will be conducted upon admission and upon each subsequent annual reexamination. The GRHC will require families to submit their choice of flat or income-based rent in writing and will maintain such requests in the tenant file as part of the admission or annual reexamination process.

Switching from Flat Rent to Income-Based Rent Due to Hardship [24 CFR 960.253(f)]

A family can opt to switch from flat rent to income-based rent at any time if they are unable to pay the flat rent due to financial hardship. Upon determination by the GRHC that a financial hardship exists, the GRHC will allow a family to switch from flat rent to income-based rent effective the first of the month following the family's request. The GRHC considers payment of flat rent to be a financial hardship whenever the switch to income-based rent would be lower than the flat rent [PH Occ GB, p. 137].

Phasing In Flat Rents [Notice PIH 2022-33; 24 CFR 960.253(b)]

- If the new flat rent amount would not increase a family's rental payment by more than 35 percent, the family may choose to pay either the updated flat rent amount or the previously calculated income-based rent; OR
- If the GRHC determines that the updated flat rent amount would increase a household's rental payment by more than 35 percent, the family may choose to pay the phased-in flat rent amount resulting from the flat rent impact analysis or the previously calculated income-based rent. For more guidance, please review PIH Notice 2022-33 (<https://www.hud.gov/sites/dfiles/PIH/documents/2022-PIH-33.pdf>).

| |
|--|
| EXHIBIT 6-1: ANNUAL INCOME INCLUSIONS |
|--|

24 CFR 5.609

(a) Annual income means all amounts, monetary or not, which:

- (1) Go to, or on behalf of, the family head or spouse (even if temporarily absent) or to any other family member; or
- (2) Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and
- (3) Which are not specifically excluded in paragraph (c) of this section.
- (4) Annual income also means amounts derived (during the 12-month period) from assets to which any member of the family has access.

(b) Annual income includes, but is not limited to:

- (1) The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services;
- (2) The net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family;

- (3) Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation is permitted only as authorized in paragraph (b)(2) of this section. Any withdrawal of cash or assets from an investment will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has net family assets in excess of \$5,000, annual income shall include the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD;
- (4) The full amount of periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount (except as provided in paragraph (c)(14) of this section);
- (5) Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay (except as provided in paragraph (c)(3) of this section);

(6) Welfare assistance payments.

(i) Welfare assistance payments made under the Temporary Assistance for Needy Families (TANF) program are included in annual income only to the extent such payments:

(A) Qualify as assistance under the TANF program definition at 45 CFR 260.31¹; and

(B) Are not otherwise excluded under paragraph (c) of this section.

(ii) If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income shall consist of:

(A) The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus

(B) The maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this paragraph shall be the amount resulting from one application of the percentage.

(7) Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or from persons not residing in the dwelling;

(8) All regular pay, special pay and allowances of a member of the Armed Forces (except as provided in paragraph (c)(7) of this section)

(9) For section 8 programs only and as provided in 24 CFR 5.612, any financial assistance, in excess of amounts received for tuition, that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or from an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except that financial assistance described in this paragraph is not considered annual income for persons over the age of 23 with dependent children. For purposes of this paragraph, "financial assistance" does not include loan proceeds for the purpose of determining income.

| |
|--|
| <p style="text-align: center;">HHS DEFINITION OF "ASSISTANCE"</p> |
|--|

**45 CFR: GENERAL TEMPORARY
ASSISTANCE FOR NEEDY FAMILIES**

260.31 What does the term "assistance" mean?

(a)(1) The term "assistance" includes cash, payments, vouchers, and other forms of benefits designed to meet a family's ongoing basic needs (i.e., for food, clothing, shelter, utilities, household goods, personal care items, and general incidental expenses).

(2) It includes such benefits even when they are:

(i) Provided in the form of payments by a TANF agency, or other agency on its behalf, to individual recipients; and

(ii) Conditioned on participation in work experience or community service (or any other work activity under 261.30 of this chapter).

¹ Text of 45 CFR 260.31 follows.

(3) Except where excluded under paragraph (b) of this section, it also includes supportive services such as transportation and child care provided to families who are not employed.

(b) [The definition of “assistance”] excludes: (1) Nonrecurrent, short-term benefits that:

(i) Are designed to deal with a specific crisis situation or episode of need;

(ii) Are not intended to meet recurrent or ongoing needs; and

(iii) Will not extend beyond four months.

(2) Work subsidies (i.e., payments to employers or third parties to help cover the costs of employee wages, benefits, supervision, and training);

(3) Supportive services such as child care and transportation provided to families who are employed;

(4) Refundable earned income tax credits;

(5) Contributions to, and distributions from, Individual Development Accounts;

(6) Services such as counseling, case management, peer support, child care information and referral, transitional services, job retention, job advancement, and other employment-related services that do not provide basic income support; and

(7) Transportation benefits provided under a Job Access or Reverse Commute project, pursuant to section 404(k) of [the Social Security] Act, to an individual who is not otherwise receiving assistance.

EXHIBIT 6-2: ANNUAL INCOME EXCLUSIONS

24 CFR 5.609

(c) Annual income does not include the following:

- (1) Income from employment of children (including foster children) under the age of 18 years;
- (2) Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone);
- (3) Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses (except as provided in paragraph (b)(5) of this section);
- (4) Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;
- (5) Income of a live-in aide, as defined in Sec. 5.403;
- (6) Subject to paragraph (b)(9) of this section, the full amount of student financial assistance paid directly to the student or to the educational institution;
- (7) The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
- (8) (i) Amounts received under training programs funded by HUD;
- (ii) Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);

(iii) Amounts received by a participant in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program;

(iv) Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed \$200 per month) received by a resident for performing a service for the PHA or owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, resident initiatives coordination, and serving as a member of the PHA's governing board. No resident may receive more than one such stipend during the same period of time;

(v) Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for the period during which the family member participates in the employment training program;

(9) Temporary, nonrecurring or sporadic income (including gifts);

(10) Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;

(11) Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse);

(12) Adoption assistance payments in excess of \$480 per adopted child;

(13) [Reserved]

(14) Deferred periodic amounts from supplemental security income and social security benefits that are received in a lump sum amount or in prospective monthly amounts, or any deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or prospective monthly amounts.

(15) Amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit;

(16) Amounts paid by a State agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home; or

(17) Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under any program to which the exclusions set forth in 24 CFR 5.609(c) apply. A notice will be published in the Federal Register and distributed to PHAs and housing owners identifying the benefits that qualify for this exclusion. Updates will be published and distributed when necessary. [See Section 6-I.M. for a list of benefits that qualify for this exclusion.]

| |
|--|
| EXHIBIT 6-3: TREATMENT OF FAMILY ASSETS |
|--|

24 CFR 5.603(b) Net Family Assets

(1) Net cash value after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of capital investment, excluding interests in Indian trust land and excluding equity accounts in HUD homeownership programs. The value of necessary items of personal property such as furniture and automobiles shall be excluded.

(2) In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the family or household, the value of the trust fund will not be considered an asset so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted when determining annual income under Sec. 5.609.

(3) In determining net family assets, PHAs or owners, as applicable, shall include the value of any business or family assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received therefor.

In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or tenant receives important consideration not measurable in dollar terms.

(4) For purposes of determining annual income under Sec. 5.609, the term "net family assets" does not include the value of a home currently being purchased with assistance under part 982, subpart M of this title. This exclusion is limited to the first 10 years after the purchase date of the home.

| |
|--|
| EXHIBIT 6-4: EARNED INCOME DISALLOWANCE FOR PERSONS WITH DISABILITIES |
|--|

24 CFR 5.617 Self-sufficiency incentives for persons with disabilities—Disallowance of increase in annual income.

(a) Applicable programs. The disallowance of earned income provided by this section is applicable only to the following programs: HOME Investment Partnerships Program (24 CFR part 92); Housing Opportunities for Persons with AIDS (24 CFR part 574); Supportive Housing Program (24 CFR part 583); and the Housing Choice Voucher Program (24 CFR part 982).

(b) Definitions. The following definitions apply for purposes of this section.

Baseline income. The annual income immediately prior to implementation of the disallowance described in paragraph (c)(1) of this section of a person with disabilities (who is a member of a qualified family).

Disallowance. Exclusion from annual income.

Previously unemployed includes a person with disabilities who has earned, in the twelve months previous to employment, no more than would be received for 10 hours of work per week for 50 weeks at the established minimum wage.

Qualified family. A family residing in housing assisted under one of the programs listed in paragraph (a) of this section or receiving tenant-based rental assistance under one of the programs listed in paragraph (a) of this section.

(1) Whose annual income increases as a result of employment of a family member who is a person with disabilities and who was previously unemployed for one or more years prior to employment;

(2) Whose annual income increases as a result of increased earnings by a family member who is a person with disabilities during participation in any economic self-sufficiency or other job training program; or

(3) Whose annual income increases, as a result of new employment or increased earnings of a family member who is a person with disabilities, during or within six months after receiving assistance, benefits or services under any state program for temporary assistance for needy families funded under Part A of Title IV of the Social Security Act, as determined by the responsible entity in consultation with the local agencies administering temporary assistance for needy families (TANF) and Welfare-to-Work (WTW) programs. The TANF program is not limited to monthly income maintenance, but also includes such benefits and services as one-time payments, wage subsidies and transportation assistance-- provided that the total amount over a six-month period is at least \$500.

(c) Disallowance of increase in annual income—

(1) *Initial twelve month exclusion.* During the 12-month period beginning on the date a member who is a person with disabilities of a qualified family is first employed or the family first experiences an increase in annual income attributable to employment, the responsible entity must exclude from annual income (as defined in the regulations governing the applicable program listed in paragraph (a) of this section) of a qualified family any increase in income of the family member who is a person with disabilities as a result of employment over prior income of that family member.

(2) *Second twelve month exclusion and phase-in.* Upon expiration of the 12-month period defined in paragraph (c)(1) of this section and for the subsequent 12-month period, the responsible entity must exclude from annual income of a qualified family at least 50 percent of any increase in income of such family member as a result of employment over the family member's baseline income.

(3) *Maximum 2-year disallowance.* The disallowance of increased income of an individual family member who is a person with disabilities as provided in paragraph (c)(1) or (c)(2) of this section is limited to a lifetime 24-month period. The disallowance applies for a maximum of 12 months for disallowance under paragraph (c)(1) of this section and a maximum of 12 months for disallowance under paragraph (c)(2) of this section, during the 24-month period starting from the initial exclusion under paragraph (c)(1) of this section.

(4) *Effect of changes on currently participating families.* Families eligible for and participating in the disallowance of earned income under this section prior to *May 9, 2016* will continue to be governed by this section in effect as it existed immediately prior to that

date (see 24 CFR parts 0 to 199, revised as of April 1, 2016).

(d) *Inapplicability to admission.* The disallowance of increases in income as a result of employment of persons with disabilities under this section does not apply for purposes of admission to the program (including the determination of income eligibility or any income targeting that may be applicable)

| |
|--|
| <p style="text-align: center;">EXHIBIT 6-5: THE EFFECT OF WELFARE BENEFIT REDUCTION 24 CFR 5.615</p> |
|--|

Public housing program and Section 8 tenant-based assistance program: How welfare benefit reduction affects family income.

(a) Applicability. This section applies to covered families who reside in public housing (part 960 of this title) or receive Section 8 tenant-based assistance (part 982 of this title).

(b) Definitions. The following definitions apply for purposes of this section:

Covered families. Families who receive welfare assistance or other public assistance benefits ("welfare benefits") from a State or other public agency ("welfare agency") under a program for which Federal, State, or local law requires that a member of the family must participate in an economic self-sufficiency program as a condition for such assistance.

Economic self-sufficiency program. See definition at Sec. 5.603.

Imputed welfare income. The amount of annual income not actually received by a family, as a result of a specified welfare benefit reduction, that is nonetheless included in the family's annual income for purposes of determining rent.

Specified welfare benefit reduction.

(1) A reduction of welfare benefits by the welfare agency, in whole or in part, for a family member, as determined by the welfare agency, because of fraud by a family member in connection with the welfare program; or because of welfare agency sanction against a family member for noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program.

(2) "Specified welfare benefit reduction" does not include a reduction or termination of welfare benefits by the welfare agency:

- (i) at expiration of a lifetime or other time limit on the payment of welfare benefits;
- (ii) because a family member is not able to obtain employment, even though the family member has complied with welfare agency economic self-sufficiency or work activities requirements; or
- (iii) because a family member has not complied with other welfare agency requirements.

(c) Imputed welfare income.

(1) A family's annual income includes the amount of imputed welfare income (because of a specified welfare benefits reduction, as specified in notice to the PHA by the welfare agency), plus the total amount of other annual income as determined in accordance with Sec. 5.609.

(2) At the request of the PHA, the welfare agency will inform the PHA in writing of the amount and term of any specified welfare benefit reduction for a family member, and the reason for such reduction, and will also inform the PHA of any subsequent changes in the term or amount of such specified welfare benefit reduction. The PHA will use this information to determine the amount of imputed welfare income for a family.

(3) A family's annual income includes imputed welfare income in family annual income, as determined at the PHA's interim or regular reexamination of family income and composition, during the term of the welfare benefits reduction (as specified in information provided to the PHA by the welfare agency).

(4) The amount of the imputed welfare income is offset by the amount of additional income a family receives that commences after the time the sanction was imposed. When such additional income from other sources is at least equal to the imputed

(5) The PHA may not include imputed welfare income in annual income if the family was not an assisted resident at the time of sanction.

(d) Review of PHA decision.

(1) Public housing. If a public housing tenant claims that the PHA has not correctly calculated the amount of imputed welfare income in accordance with HUD requirements, and if the PHA denies the family's request to modify such amount, the PHA shall give the tenant written notice of such denial, with a brief explanation of the basis for the PHA determination of the amount of imputed welfare income. The PHA notice shall also state that if the tenant does not agree with the PHA determination, the tenant may request a grievance hearing in accordance with part 966, subpart B of this title to review the PHA determination. The tenant is not required to pay an escrow deposit pursuant to Sec. 966.55(e) for the portion of tenant rent attributable to the imputed welfare income in order to obtain a grievance hearing on the PHA determination.

(2) Section 8 participant. A participant in the Section 8 tenant-based assistance program may request an informal hearing, in accordance with Sec. 982.555 of this title, to review the PHA determination of the amount of imputed welfare income that must be included in the family's annual income in accordance with this section. If the family claims that such amount is not correctly calculated in accordance with HUD requirements, and if the PHA denies the family's request to modify such amount, the PHA shall give the family written notice of such denial, with a brief explanation of the basis for the PHA determination of the amount of imputed welfare income. Such notice shall also state that if the family does not agree with the PHA determination, the family may request an informal hearing on the determination under the PHA hearing procedure.

(e) PHA relation with welfare agency.

(1) The PHA must ask welfare agencies to inform the PHA of any specified welfare benefits reduction for a family member, the reason for such reduction, the term of any such reduction, and any subsequent welfare agency determination affecting the amount or term of a specified welfare benefits reduction. If the welfare agency determines a specified welfare benefits reduction for a family member, and gives the PHA written notice of such reduction, the family's annual incomes shall include the imputed welfare income because of the specified welfare benefits reduction.

(2) The PHA is responsible for determining the amount of imputed welfare income that is included in the family's annual income as a result of a specified welfare benefits reduction as determined by the welfare agency, and specified in the notice by the welfare agency to the PHA. However, the PHA is not responsible for determining whether a reduction of welfare benefits by the welfare agency was correctly determined by the welfare agency in accordance with welfare program requirements and procedures, nor for providing the opportunity for review or hearing on such welfare agency determinations.

(3) Such welfare agency determinations are the responsibility of the welfare agency, and the family may seek appeal of such determinations through the welfare agency's normal due process procedures. The PHA shall be entitled to rely on the welfare agency notice to the PHA of the welfare agency's determination of a specified welfare benefits reduction.

Chapter 7

VERIFICATION

[24 CFR 960.259, 24 CFR 5.230, Notice PIH 2018-18]

INTRODUCTION

This chapter describes HUD regulations and GRHC policies related to verification of all information that is used to establish the family's eligibility and level of assistance as follows:

Part I: General Verification Requirements. HUD regulations specify what levels of verification are required to verify family eligibility and income. This section covers the general requirements and GRHC Policies on the verification process.

Part II: Verifying Family Information. This part will cover the HUD and GRHC policies on verifying family information to determine eligibility.

Part III: Verifying Income and Assets. Once a family is determined eligible income verification is required to ensure the family is within HUD guidelines. This part covers the HUD and GRHC policies on verifying family income.

Part IV: Verifying Mandatory Deductions. This part describes the verification required for deductions utilized to calculate adjusted gross income.

The GRHC must follow the Notice PIH 2018-18, and this chapter summarizes those requirements and provides supplementary policies.

PART I: GENERAL VERIFICATION REQUIREMENTS

OVERVIEW

This section in the ACOP lists the HUD-established hierarchy of verification methods as described in Notice PIH 2018-18, Verification Guidance. Reference to this hierarchy is made throughout the remainder of the ACOP. In some cases, HUD expects the GRHC to use a combination of methods to obtain the most reliable information.

7-I.A. FAMILY CONSENT TO RELEASE OF INFORMATION

The family must supply any information that the GRHC or HUD determines is necessary to the administration of the program and must consent to GRHC verification of that information. This requires the signing of release forms by family members. While it is required that GRHCs use form HUD-9886, this form does not release all the information necessary to the administration of the program. The GRHC must develop its own release forms to cover all other necessary information. Families must agree to sign all consent forms required by the GRHC and HUD. There are penalties for failure to comply with this requirement.

7-I.B. OVERVIEW OF VERIFICATION REQUIREMENTS

Requirements for Acceptable Documents

Any documents used for verification must be the original (not photocopies) and generally must be dated within 60 calendar days of the GRHC request. The documents must not be damaged, altered or in any way illegible. Printouts from web pages are considered original documents. The GRHC staff member who views the original document must make a photocopy, annotate the copy with the name of the person who provided the document and the date the original was viewed, and sign the copy. Any family self-certifications must be made in a format acceptable to the GRHC and must be signed in the presence of a GRHC representative or GRHC notary public.

File Documentation

The GRHC must document in the file how the figures used in income and rent calculations were determined. All verification attempts, information obtained, and decisions reached during the verification process will be recorded in the family's file in sufficient detail to demonstrate that the GRHC has followed all the verification policies set forth in this ACOP. The record should be sufficient to enable a staff member or HUD reviewer to understand the process followed and conclusions reached. The GRHC will document, in the family file, the following:

- Reported family annual income
- Value of assets
- Expenses related to deductions from annual income
- Other factors influencing the adjusted income or income-based rent determination

7-I.C. UP-FRONT INCOME VERIFICATION (UIV)

Use of HUD's Enterprise Income Verification (EIV) System

PHAs must use HUD's EIV system in its entirety as a third-party source to verify tenant employment and income information during mandatory reexaminations or recertifications of family composition and income in accordance with 24 CFR 5.236 and administrative guidance issued by HUD. HUD's EIV system contains data showing earned income, unemployment benefits, social security benefits, and SSI benefits for participant families. The following policies apply to the use of HUD's EIV system.

EIV Income and IVT Reports

The GRHC will obtain income and IVT reports for annual reexaminations monthly. Reports will be generated as part of the regular reexamination process. Income and IVT reports will be compared to family-provided information as part of the annual reexamination process. Income reports may be used in the calculation of annual income, as described in Chapter 6.I.C. Income reports may also be used to meet the regulatory requirement for third party verification, as described above. Policies for resolving discrepancies between income and IVT reports, and family-provided information will be resolved as described in Chapter 6.I.C. and in this chapter. Income and IVT reports will be used in interim reexaminations to identify any discrepancies between reported income and income shown in the EIV system, and as necessary to verify earned income, and to verify and calculate unemployment benefits, Social Security and/or SSI benefits. EIV will also be used to verify that families claiming zero income are not receiving income from any of these sources. Income and IVT reports will be retained in resident files with the applicable annual or interim reexamination documents. When the GRHC determines through EIV reports and third-party verification that a family has concealed or under-reported income, corrective action will be taken pursuant to the policies in Chapter 15, Program Integrity.

EIV Identity Verification

The EIV system verifies resident identities against Social Security Administration (SSA) records. These records are compared to Public and Indian Housing Information Center (PIC) data for a match on social security number, name, and date of birth. The GRHC is required to use EIV's *Identity Verification Report* monthly to improve the availability of income information in EIV [Notice PIH 2018-18]. When identity verification for a resident fails, a message will be displayed within the EIV system, and no income information will be displayed. The GRHC will identify residents whose identity verification has failed by reviewing EIV's *Identity Verification Report* on a monthly basis. The GRHC will attempt to resolve PIC/SSA discrepancies by obtaining appropriate documentation from the resident. When the GRHC determines that discrepancies exist due to GRHC errors such as spelling errors or incorrect birth dates, the errors will be corrected promptly.

Upfront Income Verification Using Non-HUD Systems (Optional)

The GRHC will inform all applicants and residents of its use of the following UIV resources during the admission and reexamination process:

- HUD's EIV system
- IRS Form 45060-T

7-I.D. THIRD-PARTY WRITTEN AND ORAL VERIFICATION

HUD's current verification hierarchy defines two types of written third-party verification. The preferable form, "written third-party verification," consists of an original document generated by a third-party source, which may be received directly from a third-party source or provided to the GRHC by the family. If written third-party verification is not available, the GRHC must attempt to obtain a "written third-party verification form." This is a standardized form used to collect information from a third party. Third-party documents provided by the family must be dated within 60 calendar days of the GRHC request date. If the GRHC determines that third-party documents provided by the family are not acceptable, the GRHC will explain the reason to the family and request additional documentation. As verification of earned income, the GRHC will require the family to provide a minimum of two (2) current (within last 60 calendar days), and consecutive

pay stubs. At the GRHC's discretion, if additional paystubs are needed due to the family's circumstances (e.g., sporadic income, fluctuating schedule, etc.), the GRHC may request additional paystubs or a payroll record.

Written Third-Party Verification Form

While HUD considers standardized third-party forms to be less reliable than the third-party written verification described above, this form of verification is mandatory when the family cannot provide acceptable documentation. Written third-party verification is also required when there appears to be unreported income and other forms of verification are not available. The GRHC will send third-party verification forms directly to the third party. Third-party verification forms will be sent when third-party verification documents are unavailable or are rejected by the GRHC.

Oral Third-Party Verification [Notice PIH 2018-18]

Oral third-party verification is mandatory when neither form of written third-party verification is available. This method is typically used when an independent source fails to respond to a GRHC request for written documentation. In collecting third-party oral verification, GRHC staff will record in the family's file, the name and title of the person contacted, the date and time of the conversation (or attempt), the telephone number used, and the facts provided. When any source responds verbally to the initial written request for verification the GRHC will accept the verbal response as oral verification but will also request that the source complete and return any verification forms that were provided. If the family cannot provide original documents, the GRHC will pay the service charge required to obtain third-party verification, unless it is not cost effective in which case a self-certification will be acceptable as the only means of verification. The cost of verification will not be passed on to the family. The cost of postage and envelopes to obtain third-party verification of income, assets, and expenses is not an unreasonable cost [VG, p. 18].

Primary Documents

Imputed Assets

The GRHC will accept a self-certification from a family as verification of assets disposed of for less than fair market value [HCV GB, p. 5-28].

Value of Assets and Asset Income [24 CFR 960.259]

GRHC MTW Flexibility

For families with net assets totaling \$50,000 or less, the GRHC will accept the family's self-certification of the value of family assets and anticipated asset income when applicable. The family's declaration must show each asset and the amount of income expected from that asset. All family members 18 years of age and older must sign the family's declaration. However, the GRHC is required to obtain third-party verification of all assets regardless of the amount during the intake process.

7-I.E. SELF-CERTIFICATION

When HUD requires third-party verification, self-certification or "tenant declaration," is used as a last resort when unable to obtain third-party verification. Self-certification, however, is an acceptable form of verification when:

- A source of income is fully excluded
- Net family assets total \$50,000 or less and the GRHC has adopted a policy. See GRHC

MTW Flexibility in Chapter 7.I.D.

- The GRHC has adopted a policy to implement streamlined annual recertifications for fixed sources of income (See Chapter 11) When the GRHC was required to obtain third-party verification but instead relies on a tenant declaration for verification of income, assets, or expenses, the family's file must be documented to explain why third-party verification was not available.

When information cannot be verified by a third party or by review of documents, family members will be required to submit self-certifications attesting to the accuracy of the information they have provided to the GRHC. The GRHC may require a family to certify that a family member does not receive a particular type of income or benefit. The self-certification must be made in a format acceptable to the GRHC and must be signed by the family member whose information or status is being verified. All self-certifications must be signed in the presence of a GRHC representative or GRHC notary public.

PART II: VERIFYING FAMILY INFORMATION

7-II.A. VERIFICATION OF LEGAL IDENTITY

Verification of legal identity is not required by regulations, but is recommended by HUD, notably in Notice PIH 2001-15 and in its appendix, the Improving Income Integrity Guidance Booklet. Since verification of legal identity is a GRHC policy issue, the GRHC can determine what forms of documentation are acceptable. The GRHC will require families to furnish verification of legal identity for each household member.

| Verification of Legal Identity for Adults | Verification of Legal Identity for Children |
|---|---|
| <ul style="list-style-type: none">• Church issued baptismal certificate• Current, valid driver's license or Department of Motor Vehicle identification card• Current employer identification card | <ul style="list-style-type: none">• Custody agreement• Health and Human Services ID• Certified school records |

If a document submitted by a family is illegible for any reason or otherwise questionable, more than one of these documents may be required. If none of these documents can be provided and at the GRHC's discretion, a third party who knows the person may attest to the person's identity. The certification must be provided in a format acceptable to the GRHC and be signed in the presence of a GRHC representative or GRHC notary public. Legal identity will be verified for all applicants at the time of eligibility determination and in cases where the GRHC has reason to doubt the identity of a person representing him or herself to be a tenant or a member of a tenant family.

7-II.B. SOCIAL SECURITY NUMBERS

The family must provide documentation of a valid social security number (SSN) for each member of the household, except for individuals who do not contend eligible immigration status. Exemptions also include existing program participants as of January 31, 2010, who have either previously disclosed social security numbers HUD has determined to be valid, or who are 62 years of age or older and had not previously disclosed an SSN [24 CFR 5.216(g) and Notice PIH 2018-24]. The GRHC may only reject documentation of an SSN provided by an applicant or resident if the document is not an original document, if the original document has been altered, mutilated, is illegible, or if the document appears to be forged. The GRHC will explain to the applicant or resident the reasons the document is not acceptable and request that the individual obtain and submit acceptable documentation of the SSN to the GRHC within 90 days. The GRHC will grant one additional 90-day extension if needed for reasons beyond the applicant's control, such as delayed processing of the SSN application by the SSA, natural disaster, fire, death in the family, or other emergency. The GRHC will verify each disclosed SSN by:

- Obtaining documentation from applicants and residents that is acceptable as evidence of social security numbers.
- Making a copy of the original documentation submitted, returning it to the individual, and retaining a copy in the file folder. Once an individual's status is classified as "verified" in HUD's EIV system, the GRHC will remove and destroy copies of documentation accepted as evidence of social security numbers.

7-II.C. DOCUMENTATION OF AGE

Regulations at 24 CFR 982.516(a)(2)(iv) state that in addition to income, assets, and deductions, the GRHC must verify “other factors that affect the determination of adjusted income.” Such factors include spousal relationships, age, and citizenship status, among others. Age is especially important for determination of income and deductions when someone in the family is under 18 or is age 62 or older. Generally, a birth certificate or other official record of birth is the preferred form of age verification, and for elderly family members an original document that provides evidence of the receipt of social security retirement benefits is acceptable. If an official record of birth or evidence of social security retirement benefits cannot be provided, the GRHC will require the family to submit other documents that support the reported age of the family member (e.g., school records, driver's license if birth year is recorded) and to provide a self- certification. Age must be verified only once during continuously assisted occupancy.

7-II.D. FAMILY RELATIONSHIPS

The relationship of each household member to the head of household may affect the determination of adjusted income and must therefore be verified [24 CFR 982.516(a)(2)(iv)]. Definitions of the primary household relationships are provided in Chapter 3. The GRHC must give guidance to staff regarding the extent to which these relationships will be verified. Family relationships are verified only to the extent necessary to determine a family's eligibility and level of assistance. Certification by the head of household normally is sufficient verification of family relationships.

Marriage

Marital status could affect the determination of total or adjusted income. Examples would be when the person designated as spouse of the head is working and under age 18, or if the head is not elderly or disabled but the person designated as spouse of the head is. It could also affect the family's eligibility for the program, depending on the GRHC's definition of family. GRHC staff needs guidance on what to do if some information causes staff to doubt the validity of the marital relationship. Certification by the head of household is normally sufficient verification. If the GRHC has reasonable doubts about a marital relationship, the GRHC will require the family to document the marriage with a marriage certificate or other documentation to verify that the couple is married. In the case of a common law marriage, the couple must demonstrate that they hold themselves to be married (e.g., by telling the community they are married, calling each other husband and wife, using the same last name, filing joint income tax returns).

Separation or Divorce

There may be situations where the GRHC would need to verify a separation or divorce beyond the certification of the head of household. Certification by the head of household is normally sufficient verification. If the GRHC has reasonable doubts about a divorce or separation, the GRHC will require the family to provide documentation of the divorce or separation with a certified copy of a divorce decree, signed by a court officer; a copy of a court-ordered maintenance or other court record; or other documentation that shows a couple is divorced or separated. If no court document is available, documentation from a community-based agency will be accepted.

Absence of Adult Member

If an adult member who was formerly a member of the household is reported to be permanently absent, the family must provide evidence to support that the person is no longer a member of the family (e.g., documentation of another address at which the person resides such as a lease or utility bill).

Foster Children and Foster Adults

When family claims foster children or adults, the GRHC needs to verify their status to properly calculate the family's income and deductions. Third-party verification from the state or local government agency responsible for the placement of the individual with the family is required.

7-II.E. VERIFICATION OF STUDENT STATUS

The status of a student family member could affect the income and deductions for a family. Adult full-time students are to be considered dependents if they are not the head, spouse, or cohead. Some employment income of adult full-time students who are not the head, spouse, or cohead is excluded from income. A family can claim childcare deductions if the child care enables a family member to further his or her education. The GRHC requires families to provide information about the student status of all students who are 18 years of age or older. This information will be verified only if:

- The family claims full-time student status for an adult other than the head, spouse, or cohead, or
- The family claims a childcare deduction to enable a family member to further his or her education.
- The family includes a student enrolled in an *institution of higher education*.

Each college student living in a non-parental/guardian household will be required to provide a written/signed certification stating the amount of financial support (even if zero) that he/she anticipates receiving from parents, guardians, or other individuals not living in the household. If the student reports that s/he will be receiving financial support, the GRHC will verify the information in accordance with the verification hierarchy in Section 7-I.B

7-II.F. DOCUMENTATION OF DISABILITY

The GRHC must verify the existence of a disability to allow certain income disallowances and deductions from income.

Family Members Receiving SSA Disability Benefits

For family members claiming disability who receive disability payments from the SSA, the GRHC will attempt to obtain information about disability benefits through HUD's Enterprise Income Verification (EIV) system. If documentation is not available through HUD's EIV system, the GRHC will request a current (dated within the last 60 calendar days) SSA benefit verification letter from each family member claiming disability status. If a family member is unable to provide the document, the GRHC will ask the family to obtain a benefit verification letter either by calling SSA at 1-800-772-1213, or by requesting one from www.ssa.gov. Once the family receives the benefit verification letter, it will be required to provide the letter to the GRHC.

Family Members Not Receiving SSA Disability Benefits

For family members claiming disability who do not receive SSI or other disability payments from the SSA, a knowledgeable professional must provide third-party verification that the family member meets the HUD definition of disability. See the Eligibility chapter for the HUD definition of disability. The knowledgeable professional will verify whether the family member does or does not meet the HUD definition.

7-II.G. CITIZENSHIP OR ELIGIBLE IMMIGRATION STATUS

Overview

Housing assistance is not available to persons who are not citizens, nationals, or eligible immigrants. Prorated assistance is provided for “mixed families” containing both eligible and ineligible persons. A detailed discussion of eligibility requirements is in the Eligibility chapters. This verifications chapter discusses HUD and GRHC policy verification requirements related to citizenship status.

U.S. Citizens and Nationals

HUD requires a declaration be signed by each family member (or by a guardian for minors) who claims to be a U.S. citizen or national. However, HUD states that the GRHC may request further verification of the family member’s status. Family members who claim U.S. citizenship or national status will not be required to provide additional documentation unless the GRHC receives information indicating that an individual’s declaration may not be accurate.

Eligible Immigrants

All family members claiming eligible immigration status must declare their status in the same manner as a U.S. citizen and nationals. The documentation required for eligible noncitizens varies depending upon factors such as the date the person entered the U.S., the conditions under which eligible immigration status has been granted, age, and the date on which the family began receiving HUD-funded assistance.

7-II.H. VERIFICATION OF PREFERENCE STATUS

The GRHC will verify all preferences.

PART III: VERIFYING INCOME AND ASSETS

7-III.A. EARNED INCOME

Tips

The standard verification policies found in Part I of this chapter apply to the verification of earned income. However, tip income poses a unique situation in that it is difficult to anticipate and third-party verification is not always available. Therefore, tip income requires clarification in GRHC policy. Unless tip income is included in a family member's W-2 by the employer, persons who work in industries where tips are standard will be required to sign a certified estimate of tips received for the prior year and tips anticipated to be received in the coming year.

Wages

For wages other than tips, the family must provide originals of the two most current, consecutive pay stubs.

7-III.B. BUSINESS AND SELF EMPLOYMENT INCOME

As with tip income, income from a business or from self-employment is often difficult to verify through a third party. Tax-related documents may be the best source of information; however, this is not anticipated income. Sometimes self-certification may be required. It is an even greater challenge if the business is new since there will be no historical data to use as a basis for anticipating income. Business owners and self-employed persons will be required to provide:

- An audited financial statement for the previous fiscal year if an audit was conducted. If an audit was not conducted, a statement of income and expenses must be submitted, and the business owner or self-employed person must certify to its accuracy
- All schedules completed for filing federal and local taxes in the preceding year
- If accelerated depreciation was used on the tax return or financial statement, an accountant's calculation of depreciation expense, computed using straight-line depreciation rules

The GRHC will provide a format for any person who is unable to provide such a statement to record income and expenses for the coming year. The business owner/self-employed person will be required to submit the information requested and to certify to its accuracy at all future reexaminations. At any reexamination the GRHC may request documents that support submitted financial statements such as manifests, appointment books, cash books, or bank statements. If a family member has been self-employed less than three (3) months, the GRHC will accept the family member's certified estimate of income and schedule an interim reexamination in three (3) months. If the family member has been self-employed for three (3) to twelve (12) months the GRHC will require the family to provide documentation of income and expenses for this period and use that information to project income

7-III.C. PERIODIC PAYMENTS AND PAYMENTS IN LIEU OF EARNINGS

Social Security/SSI Benefits

The standard verification policies found in Part I of this chapter apply to the verification of periodic payments and payments in lieu of earnings. Because social security and SSI income are to be verified through HUD's EIV system, further clarification is needed for verification of these incomes.

- To verify the SS/SSI benefits of **applicants**, the GRHC will request a current (dated within the last 60 days) SSA benefit verification letter from each family member who receives social security benefits. If a family member is unable to provide the document, the GRHC

will help the applicant request a benefit verification letter from SSA's Web site at www.socialsecurity.gov or ask the family to request one by calling SSA at 1-800-772-1213. Once the family has received the original benefit verification letter it will be required to provide the letter to the GRHC.

- To verify the SS/SSI benefits of **residents**, the GRHC will obtain information about social security/SSI benefits through the HUD EIV System and confirm with the resident(s) that the current listed benefit amount is correct. If the resident disputes the EIV-reported benefit amount, or if benefit information is not available in HUD systems, the GRHC will request a current SSA benefit verification letter from each family member that receives social security benefits. If the family is unable to provide the document(s) the GRHC will help the resident request a benefit verification letter from SSA's Web site at www.socialsecurity.gov or ask the family to request one by calling SSA at 1- 800-772-1213. Once the resident has received the benefit verification letter, they will be required to provide it to the GRHC.

7-III.D. ALIMONY OR CHILD SUPPORT

The methods the GRHC will use to verify alimony and child support payments differ depending on whether the family declares that it receives regular payments. If the family declares that it *receives regular payments*, verification will be obtained in the following order of priority:

- Copies of the receipts and/or payment stubs for the 60 calendar days prior to GRHC request
- Third-party verification form from the state or local child support enforcement agency
- Third-party verification form from the person paying the support
- Family's self-certification of amount received

If the family declares that it *receives irregular or no payments*, in addition to the verification process listed above, the family must provide evidence that it has taken all reasonable efforts to collect amounts due. This may include a statement from any agency responsible for enforcing payment shows the family has requested enforcement and is cooperating with all enforcement efforts. If the family has made independent efforts at collection, a written statement from the attorney or other collection entity that has assisted the family in these efforts.

Note: Families are not required to undertake independent enforcement action.

7-III.E. ASSETS AND INCOME FROM ASSETS

Assets Disposed of for Less than Fair Market Value

The family must certify whether any assets have been disposed of for less than fair market value in the preceding two years.

The GRHC will verify the value of assets disposed of only if:

- The GRHC does not already have a reasonable estimation of its value from previously collected information, or

- The amount reported by the family in the certification appears obviously in error.

Example 1: An elderly resident reported a \$10,000 certificate of deposit at the last annual reexamination and the GRHC verified this amount. Now the person reports that she has given this \$10,000 to her son. The GRHC has a reasonable estimate of the value of the asset; therefore, reverification of the value of the asset is not necessary.

Example 2: A family member has disposed of its 1/4 share of real property located in a desirable area and has valued her share at approximately 5,000. Based upon market conditions, this declaration does not seem realistic. Therefore, the GRHC will verify the value of this asset.

7-III.F. NET INCOME FROM RENTAL PROPERTY

Families who receive an income from rental property must provide adequate information for the GRHC to anticipate net rental income. The family must provide:

- A current executed lease for the property that shows the rental amount or certification from the current tenant
- A self-certification from the family members engaged in the rental of property providing an estimate of expenses for the coming year and the most recent IRS Form 1040 with Schedule E (Rental Income). If schedule E was not prepared, the GRHC will require the family members involved in the rental of property to provide a self- certification of income and expenses for the previous year and may request documentation to support the statement including tax statements, insurance invoices, bills for reasonable maintenance and utilities, and bank statements or amortization schedules showing monthly interest expense.

7-III.G. RETIREMENT ACCOUNTS

The standard verification policies found in Part I of this chapter apply to the verification of retirement accounts. When third-party verification is not available the type of original document that will be accepted could vary with the family member's retirement status. The GRHC will accept written third-party documents supplied by the family as evidence of the status of retirement accounts. The type of original document that will be accepted depends upon the family member's retirement status. *Before* retirement, the GRHC will accept an original document from the entity holding the account with a date that shows it is the most recently scheduled statement for the account but in no case later than 60 calendar days from the GRHC request. *Upon* retirement, the GRHC will accept an original document from the entity holding the account that reflects any distributions of the account balance, any lump sums taken and any regular payments. *After* retirement, the GRHC will accept an original document from the entity holding the account dated no later than 60 calendar days from the GRHC request.

7-III.H. INCOME FROM EXCLUDED SOURCES

HUD guidance on verification of excluded income draws a distinction between income which is fully excluded and income which is only partially excluded. For fully excluded income, the GRHC is **not** required to follow the verification hierarchy, document when third-party verification is not available, or report the income on the 50058. Fully excluded income is defined as income that is entirely excluded from the annual income determination (for example, food stamps, earned income of a minor, or foster care funds) [Notice PIH 2013-04]. The GRHC may accept a family's signed application or reexamination form as self-certification of fully excluded income. They do not have to require additional documentation. However, if there is any doubt that a source of income

qualifies for full exclusion, the GRHC has the option of requiring additional verification. For partially excluded income, the GRHC is required to follow the verification hierarchy and all applicable regulations, and to report the income on the 50058. Partially excluded income is defined as income where only a certain portion of what is reported by the family qualifies to be excluded and the remainder is included in annual income (for example, the income of an adult full-time student, or income excluded under the earned income disallowance). The GRHC will accept the family's self-certification as verification of fully excluded income. The GRHC may request additional documentation if necessary to document the income source. The GRHC will verify the source and amount of partially excluded income as described in Part 1 of this chapter.

7-III.I. ZERO ANNUAL INCOME STATUS

The GRHC will check UIV sources and/or request information from third-party sources to verify that certain forms of income such as unemployment benefits, TANF, SS, SSI, earned income, etc. are not being received by families claiming to have zero annual income.

If the family has reported zero income, the GRHC will conduct an interim reexamination every three (3) months if the family continues to report that they have no income.

PART IV: VERIFYING MANDATORY DEDUCTIONS

7-IV.A. DEPENDENT AND ELDERLY/DISABLED HOUSEHOLD DEDUCTIONS

The dependent and elderly/disabled family deductions require only that the GRHC verify that the family members identified as dependents or elderly/disabled persons meet the statutory definitions. No further verifications are required.

7-IV.B. MEDICAL EXPENSE DEDUCTION

Amount of Expense

Medical expenses will be verified through written third-party documents provided by the family, such as pharmacy printouts or receipts. The GRHC will make a best effort to determine what expenses from the past are likely to continue to occur in the future. The GRHC will also accept evidence of monthly payments or total payments that will be due for medical expenses during the upcoming twelve (12) months. Written third-party verification forms if the family is unable to provide acceptable documentation. If third-party or document review is not possible, written family certification as to costs anticipated to be incurred during the upcoming twelve (12) months.

Eligible Household

Medical expense deduction is permitted only for households in which the head, spouse, or cohead is at least 62, or a person with disabilities. GRHC will verify that the family meets the definition of an elderly or disabled family provided in the Eligibility chapters.

Qualified Expenses

To be eligible for medical expense deduction, the cost must qualify as medical expenses as defined in the ACOP.

Unreimbursed Expenses

The family will be required to certify that the medical expenses are not paid or reimbursed to the family from any source. If expenses are verified through a third party, the third party must certify that the expenses are not paid or reimbursed from any other source.

Expenses Incurred in Past Years

Families can claim as medical expenses the anticipated costs related to on-going payments of medical bills incurred in past years, provided that the same expenses have not been deducted in prior years.

When anticipated costs are related to on-going payment of medical bills incurred in past years, the GRHC will verify:

1. The anticipated repayment schedule
2. The amounts paid in the past, and
3. Whether the amounts to be repaid have been deducted from the family's annual income in past years

7-IV.C. DISABILITY ASSISTANCE EXPENSES

Amount of Expense

The deduction for disability assistance expenses covers both attendant care and auxiliary apparatus. Because one is a care provider and the other is generally a piece of equipment or the servicing of that equipment, the policy for verifying amounts for attendant care will be somewhat different than for auxiliary apparatus. The GRHC will accept written third-party documents

provided by the family. If family-provided documents are not available, the GRHC will provide a third-party verification form directly to the care provider requesting the needed information. Expenses for attendant care will be verified through:

- Written third-party documents provided by the family, such as receipts or cancelled checks.
- Third-party verification form signed by the provider, if family-provided documents are not available.

If third-party or document review is not possible, written family certification as to costs anticipated to be incurred for the upcoming twelve (12) months

Auxiliary Apparatus

Expenses for auxiliary apparatus will be verified through:

- Written third-party documents provided by the family, such as billing statements for purchase of auxiliary apparatus, or other evidence of monthly payments or total payments that will be due for the apparatus during the upcoming twelve (12) months
- Third-party verification form signed by the provider, if family-provided documents are not available

If third-party or document review is not possible, written family certification of estimated apparatus costs for the upcoming twelve (12) months.

Family Member is a Person with Disabilities

To be eligible for the disability assistance expense deduction, the costs must be incurred for attendant care or auxiliary apparatus expense associated with a person with disabilities.

Family Member(s) Permitted to Work

The GRHC must verify that the expenses claimed enable a family member, or members, to work. The person enabled to work could be the person with disabilities but does not have to be. The expense could enable more than one person to work. The GRHC will request third-party verification from a rehabilitation agency or knowledgeable medical professional indicating that the person with disabilities requires attendant care or an auxiliary apparatus to be employed, or that the attendant care or auxiliary apparatus enables another family member, or members, to work. (See 6-II.E.) This documentation may be provided by the family. If third-party verification has been attempted and is either unavailable or proves unsuccessful, the family must certify that the disability assistance expense frees a family member, or members (possibly including the family member receiving the assistance), to work.

Unreimbursed Expenses

The family will be required to certify that attendant care or auxiliary apparatus expenses are not paid by or reimbursed to the family from any source.

7-IV.D. CHILD CARE EXPENSES

Eligible Child

To be eligible for the childcare deduction, the cost must be incurred for the care of a child under the age of 13.

Unreimbursed Expense

The family and the care provider will be required to certify that the childcare expenses are not paid by or reimbursed to the family from any source.

Pursuing an Eligible Activity

The GRHC must verify that childcare enables a family member or members to seek work, pursue education, or be gainfully employed.

Information to be Gathered

The GRHC will verify information about how the schedule for the claimed activity relates to the hours of care provided, the time required for transportation, the time required for study (for students), the relationship of the family member(s) to the child, and any special needs of the child that might help determine which family member is enabled to pursue an eligible activity.

Seeking Work

Whenever possible the GRHC will use documentation from a state or local agency that monitors work-related requirements (e.g., welfare or unemployment). In such cases the GRHC will request family-provided verification from the agency of the member's job seeking efforts to date and require the family to submit to the GRHC any reports provided to the other agency.

In the event third-party verification is not available, the GRHC will provide the family with a form on which the family member must record job search efforts. The GRHC will review this information at each subsequent reexamination for which this deduction is claimed.

Furthering Education

The GRHC will ask that the academic or vocational educational institution verify that the person permitted to further his or her education by the child care is enrolled and provide information about the timing of classes for which the person is registered.

Gainful Employment

The GRHC will seek third-party verification of the work schedule of the person who is permitted to work by the childcare. In cases in which two or more family members could be permitted to work, the work schedules for all relevant family members may be verified. The documentation may be provided by the family.

Allowable Type of Child Care

The Notice PIH 2004-01, Verification Guidance makes it clear that GRHCs cannot choose the type of child care provided but, The GRHC will verify that the type of child care selected by the family is allowable, as described in Chapter 6 (6-II.F). The GRHC will verify that the fees paid to the childcare provider cover only childcare costs (e.g., no housekeeping services or personal services) and are paid only for the care of an eligible child (e.g., prorate costs if some of the care is provided for ineligible family members). The GRHC will verify that the childcare provider is not an assisted family member. Verification will be made through the head of household's declaration of family members who are expected to reside in the unit.

Reasonableness of Expenses

Since only reasonable childcare expenses can be deducted, the GRHC must have a system for comparing what is determined as reasonable with the family's actual childcare expenses. The GRHC must further determine what it will do under various circumstances when actual childcare costs exceed what is determined by the GRHC to be reasonable. The actual costs the family incurs will be compared with the GRHC's established standards of reasonableness for the type of care in the locality to ensure that the costs are reasonable. If the family presents a justification for costs that exceed typical costs in the area, the GRHC will request additional documentation, as required,

to support a determination that the higher cost is appropriate.

Chapter 8
LEASING AND INSPECTIONS
[24 CFR 5, Subpart G; 24 CFR 966, Subpart A]

INTRODUCTION

This chapter describes HUD regulations and GRHC policies related to leasing and unit inspections in two parts:

Part I: Leasing. This part describes pre-leasing activities and the GRHC's policies pertaining to lease execution, lease modification, and payments under the lease.

Part II: Inspections. This part describes the GRHC's policies for inspecting dwelling units.

PART I: LEASING

8-I.A. OVERVIEW

This part describes pre-leasing activities and the GRHC's policies pertaining to lease execution, lease modification, and payments under the lease.

8-I.B. LEASE ORIENTATION

After unit acceptance but prior to occupancy, a GRHC representative will conduct a lease orientation with the family. The head of household or spouse is required to attend.

Orientation Agenda

When families attend the lease orientation, they will be provided with:

- A copy of the lease
- A copy of the GRHC's grievance procedure
- A copy of the house rules
- A copy of the GRHC's schedule of maintenance charges
- A copy of "Is Fraud Worth It?" (form HUD-1141-OIG), which explains the types of actions a family must avoid and the penalties for program abuse
- A copy of "What You Should Know about EIV," a guide to the Enterprise Income Verification (EIV) system published by HUD as an attachment to Notice PIH 2017-12
- A copy of the form HUD-5380, VAWA Notice of Occupancy Rights
- A copy of form HUD-5382, Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking
- A copy of the GRHC's smoke-free policy
- A notice that includes the procedures for requesting relief and the GRHC's criteria for granting requests for relief for excess utility surcharges

Topics to be discussed and explained to all families include:

- Applicable deposits and all other charges
- Review and explanation of lease provisions
- Unit maintenance requests and work orders
- The GRHC's interim reporting requirements
- Review and explanation of occupancy forms
- Community service requirements
- Family choice of rent
- VAWA protections
- Smoke-free policies
- Pest Policy
- Pet Policy

8-I.C. EXECUTION OF LEASE

The lease must be executed by the tenant and the GRHC, except for automatic renewals of a lease [24 CFR 966.4(a)(3)]. The head of household, spouse or cohead, and all other adult members of the household will be required to sign the public housing lease prior to admission. An appointment will be scheduled for the parties to execute the lease. The head of household will be provided a

copy of the executed lease and the GRHC will retain a copy in the resident's file. Files for households that include a live-in aide will contain file documentation signed by the live-in aide, that the live-in aide is not a party to the lease and is not entitled to GRHC assistance. The live-in aide is only approved to live in the unit while serving as the care attendant for the family member who requires the care.

8-I.D. MODIFICATIONS TO THE LEASE

The lease may be modified at any time by written agreement of the tenant and the GRHC [24 CFR 966.4(a)(3)].

Modifications to the Lease Form

The family will have 30 calendar days to accept the revised lease. If the family does not accept the offer of the revised lease within that 30 calendar day timeframe, the family's tenancy will be terminated in accordance with the policies in Chapter 13. When the GRHC proposes to modify or revise schedules of special charges or rules and regulations, the GRHC will post a copy of the notice in the central office and will mail a copy of the notice to each resident family. Documentation of proper notice will be included in each resident file.

Other Modifications

The lease will be amended to reflect all changes in family composition. If, for any reason, any member of the household ceases to reside in the unit, the lease will be amended by drawing a line through the person's name. The head of household and GRHC will be required to initial and date the change. If a new household member is approved by the GRHC to reside in the unit, the person's name will be added to the lease. The head of household and GRHC will be required to initial and date the change. If the new member of the household is an adult, s/he will also be required to sign and date the lease. Policies governing when and how changes in family composition must be reported are contained in Chapter 9, Reexaminations.

8-I.E. SECURITY DEPOSITS [24 CFR 966.4(b)(5)]

Residents must pay a security deposit to the GRHC at the time of admission. The amount of the security deposit will be equal to the family's total tenant payment at the time of move-in and is preferred to be paid in full prior to occupancy. If requested, the GRHC will establish an individual payment plan for the security deposit. The GRHC will hold the security deposit for the period the family occupies the unit. The GRHC will not use the security deposit for rent or other charges while the resident is living in the unit. Within 30 calendar days of move-out, the GRHC will refund to the resident the amount of the security deposit (including interest earned on the security deposit), less any amount needed to pay the cost of unpaid rent, damages listed on the move-out inspection report that exceed normal wear and tear, and other charges due under the lease. The GRHC will provide the resident with a written list of any charges against the security deposit within 15 calendar days of the move-out inspection. If the resident disagrees with the amount charged, the GRHC will provide a meeting to discuss the charges. If the resident transfers to another unit, the GRHC will transfer the security deposit to the new unit. The tenant will be billed for any maintenance or other charges due for the "old" unit.

8-I.F. PAYMENTS UNDER THE LEASE

This section lists the GRHC's policies for rent payments, late fees and nonpayment, excess utility charges (where applicable), and maintenance or damage charges.

Rent Payments [24 CFR 966.4(b)(1)]

The tenant rent is due and payable at the GRHC-designated location on the first of every month. If the first falls on a weekend or holiday, the rent is due and payable on the first business day thereafter. If a family's tenant rent changes, the GRHC will notify the family of the new amount and the effective date by sending a "Notice of Rent Adjustment" which will become an attachment to the lease.

Late Fees and Nonpayment [24 CFR 966.4(b)(3)]

If the family fails to pay their rent by the fifth day of the month, and the GRHC has not agreed to accept payment at a later date, a 14 day Notice to Vacate will be issued to the resident for failure to pay rent, demanding payment in full or the surrender of the premises. In addition, if the resident fails to make payment by the end of office hours on the fifth day of the month, a late fee of \$25.00 will be charged. Notices of late fees will be in accordance with requirements regarding notices of adverse action. Charges are due and payable 15 calendar days after billing. If the family requests a grievance hearing within the required timeframe, the GRHC may not act for nonpayment of the fee until the conclusion of the grievance process. If the resident can document financial hardship, the late fee may be waived on a case-by-case basis. When a check is returned for insufficient funds or is written on a closed account, the rent will be considered unpaid and a returned check fee of \$25.00 will be charged to the family. The fee will be due and payable 15 calendar days after billing.

Excess Utility Charges

The imposition of charges for consumption of excess utilities is permissible only if such charges are determined by an individual check meter servicing the leased unit or result from the use of major tenant-supplied appliances [24 CFR 966.4(b)(2)]. When applicable, families will be charged for excess utility usage according to the GRHC's current posted schedule. Notices of excess utility charges will be mailed monthly and will be in accordance with requirements regarding notices of adverse actions. Charges are due and payable 15 calendar days after billing. If the family requests a grievance hearing within the required timeframe, the GRHC may not act for nonpayment of the charges until the conclusion of the grievance process. Nonpayment of excess utility charges is a violation of the lease and is grounds for eviction. The GRHC may grant requests for relief from surcharges from excess utility consumption of GRHC-furnished utilities as a reasonable accommodation where the GRHC deems an exception is appropriate to meet the needs of elderly, ill, or disabled residents. In determining whether to grant this request, the GRHC will consider special factors affecting utility usage that are not within the control of the resident such as the need for medical equipment. Residents may request relief in accordance with Section 2-II.C. of this ACOP. The GRHC will process such requests in accordance with Section 2-II.E. of this ACOP. Notice of the availability of procedures for requesting relief (including the GRHC representative with whom initial contact may be made by the resident) and the GRHC's criteria for granting requests, will be included in each notice to residents of changes in utility allowances or surcharges as well as to new residents as part of the lease orientation.

Maintenance and Damage Charges

When applicable, families will be charged for maintenance and/or damages according to the GRHC's current schedule. Work that is not covered in the schedule will be charged based on the actual cost of labor and materials to make needed repairs (including overtime, if applicable). Notices of maintenance and damage charges will be mailed monthly and will be in accordance with requirements regarding notices of adverse actions. Charges are due and payable 15 calendar days after billing. If the family requests a grievance hearing within the required timeframe, the

GRHC may not take action for nonpayment of the charges until the conclusion of the grievance process. Nonpayment of maintenance and damage charges is a violation of the lease and is grounds for eviction.

8-I.G. MINIMUM HEATING STANDARDS [Notice PIH 2018-19]

This section lists the GRHC's minimum heating standards for public housing units. The GRHC is in an area where state or local residential heating standards exist and will utilize those standards for public housing units. Therefore, the GRHC's minimum heating standards are as follows, the minimum temperature in each unit must be at least 68 degrees.

PART II: INSPECTIONS

8-II.A. OVERVIEW

This part describes the GRHC's policies for inspecting dwelling units.

8-II.B. TYPES OF INSPECTIONS

This section discusses various types of inspections which may be performed by the GRHC. Policies related to scheduling inspections and inspection results are in sections 8-II.C. and 8-II.D.

Move-In Inspections [24 CFR 966.4(i)]

Any adult family member may attend the initial inspection and sign the inspection form for the head of household. A copy of the inspection will be available upon request.

Move-Out Inspections [24 CFR 966.4(i)]

When applicable, the GRHC will provide the tenant with a statement of charges to be made for maintenance and damage beyond normal wear and tear, within 15 calendar days of conducting the move-out inspection.

Annual Inspections [24 CFR 5.705]

Section 6(f)(3) of the United States Housing Act of 1937 requires that GRHC inspect each public housing project annually to ensure that the project's units are maintained in decent, safe, and sanitary condition. The GRHC shall continue using the Uniform Physical Condition Standards (UPCS) in 24 CFR 5, Subpart G, Physical Condition Standards and Inspection Requirements, to conduct annual project inspections unless HUD prescribes a different standard. The GRHC will inspect all occupied units annually using HUD's prescribed standards.

Quality Control Inspections

While quality control inspections are not required by regulation, GRHC will implement them to monitor the quality of inspections and to ensure that defects are identified and repaired in a timely manner. On an annual basis, the GRHC will conduct supervisory quality control inspections of annual inspections.

Special Inspections

This section lists additional inspections that the GRHC may wish to conduct. GRHC staff may conduct a special inspection for any of the following reasons:

- Housekeeping
- Unit condition
- Suspected lease violation
- Preventive maintenance
- Routine maintenance
- There is reasonable cause to believe an emergency exists

Other Inspections

This section describes the GRHC's policies for inspecting areas of the development other than dwelling units. Building exteriors, grounds, common areas and systems will be inspected according to the GRHC's maintenance plan.

8-II.C. NOTICE AND SCHEDULING OF INSPECTIONS [24 CFR 966.4(j)]

Notice of Entry

Non-emergency Entries

The GRHC will notify the resident in writing at least 48 hours prior to any non-emergency inspection. For regular annual inspections, the family will receive at least one (1) weeks written notice of the inspection to allow the family to prepare the unit for the inspection. Entry for repairs requested by the family will not require prior notice. Resident-requested repairs presume permission for the GRHC to enter the unit.

Emergency Entries

The GRHC may enter a unit at any time without notice if there is reasonable cause to believe an emergency exists.

Scheduling of Inspections

Inspections will be conducted during business hours. If a family needs to reschedule an inspection, they must notify the GRHC at least 24 hours prior to the scheduled inspection. The GRHC will reschedule the inspection no more than once unless the resident has a verifiable good cause to delay the inspection. The GRHC may request verification of such cause.

Attendance at Inspections

Except at move-in inspections, the resident is not required to be present for the inspection. The resident may attend the inspection if he or she wishes. If no one is at home, the inspector will enter the unit, conduct the inspection, and leave a copy of the inspection report in the unit.

8-II.D. INSPECTION RESULTS

The GRHC is obligated to maintain dwelling units and the project in decent, safe and sanitary condition and to make necessary repairs to dwelling units [24 CFR 966.4(e)].

Emergency Repairs [24 CFR 966.4(h)]

An emergency repair occurs when the unit is damaged to the extent that conditions are created which are hazardous to the life, health, or safety of the occupants. When conditions in the unit are hazardous to life, health, or safety, the GRHC will make repairs or otherwise abate the situation within 24 hours. Defects hazardous to life, health or safety include, but are not limited to, the following:

- Any condition that jeopardizes the security of the unit
- Major plumbing leaks or flooding, waterlogged ceiling or floor in imminent danger of falling
- Natural or LP gas or fuel oil leaks
- Any electrical problem or condition that could result in shock or fire
- Absence of a working heating system when outside temperature is below 60 degrees Fahrenheit
- Utilities not in service, including no running hot water
- Conditions that present the imminent possibility of injury
- Obstacles that prevent safe entrance or exit from the unit
- Absence of a functioning toilet in the unit
- Inoperable smoke detectors

Non-emergency Repairs

The GRHC will correct non-life-threatening health and safety defects within 21 calendar days of the inspection date. If the GRHC is unable to make repairs within that period due to circumstances beyond the GRHC's control (e.g. required parts or services are not available, weather conditions, etc.) the GRHC will notify the family of an estimated date of completion. The family must allow the GRHC access to the unit to make repairs.

Resident-Caused Damages

Damages to the unit beyond wear and tear will be billed to the tenant in accordance with the policies in 8-I.F., Maintenance and Damage Charges. Repeated or excessive damage to the unit beyond normal wear and tear will be considered a serious or repeated violation of the lease.

Housekeeping

Residents whose housekeeping habits pose a non-emergency health or safety risk, encourage insect or rodent infestation, or cause damage to the unit are in violation of the lease. In these instances, the GRHC will provide proper notice of a lease violation. A reinspection will be conducted within 30 days to confirm that the resident has complied with the requirement to abate the problem. Failure to abate the problem or allow for a reinspection is considered a violation of the lease and may result in termination of tenancy in accordance with Chapter 13. Notices of lease violation will also be issued to residents who purposely disengage the unit's smoke detector. Only one warning will be given. A second incidence will result in lease termination.

Chapter 9

REEXAMINATIONS

[24 CFR 960.257, 960.259, 966.4]

INTRODUCTION

The GRHC is required to reexamine each family's income and composition periodically, and to adjust the family's rent accordingly. The GRHC must adopt policies for conducting annual and interim reexaminations that are consistent with regulatory requirements and must conduct reexaminations in accordance with such policies [24 CFR 960.257(c)]. The frequency with which the GRHC must reexamine the income and composition of a family depends on whether the family pays income-based rent or flat rent. HUD requires the GRHC to offer all families the choice of paying income-based rent or flat rent at least annually. The GRHC's policies for offering families a choice of rent are located in Chapter 6.

This chapter discusses both annual and interim reexaminations.

Part I: Annual Reexaminations for Families Paying Income Based Rents. This part discusses the requirements for annual reexamination of income and family composition. Full reexaminations are conducted at least once a year for families paying income-based rents.

Part II: Reexaminations for Families Paying Flat Rents. This part contains the GRHC's policies for conducting full reexaminations of family income and composition for families paying flat rents. These full reexaminations are conducted at least once every 3 years. This part also contains the GRHC's policies for conducting annual updates of family composition for flat rent families.

Part III: Interim Reexaminations. This part includes HUD requirements and the GRHC policies related to when a family may and must report changes that occur between annual reexaminations.

Part IV: Recalculating Tenant Rent. After gathering and verifying required information for an annual or interim reexamination, the GRHC must recalculate the tenant rent. While the basic policies that govern these calculations are provided in Chapter 6, this part describes the policies that affect these calculations during a reexamination.

Policies governing reasonable accommodation, family privacy, required family cooperation and program abuse, as described elsewhere in this ACOP, apply to annual and interim reexaminations.

PART I: ANNUAL REEXAMINATIONS FOR FAMILIES PAYING INCOME-BASED RENTS [24 CFR 960.257]

9-I.A. OVERVIEW

This part discusses the requirements for annual reexamination of income and family composition. Full reexaminations are conducted at least once a year for families paying income-based rents.

GRHC MTW Flexibility

For the public housing program, the GRHC will decrease the frequency of reexaminations from annual to biennial for elderly and/or disabled households that are on a fixed income.

9-I.B STREAMLINED ANNUAL REEXAMINATIONS [24 CFR 960.257]

HUD permits the GRHC to streamline the income determination process for family members with fixed sources of income. While third-party verification of all income sources must be obtained during the intake process and every three years thereafter, in the intervening years the GRHC may determine income from fixed sources by applying a verified cost of living adjustment (COLA) or rate of interest. The GRHC may, however, obtain third-party verification of all income, regardless of the source. Further, upon request of the family, the GRHC must perform third-party verification of all income sources. Fixed sources of income include Social Security and SSI benefits, pensions, annuities, disability or death benefits, and other sources of income subject to a COLA or rate of interest. The GRHC must compare the amount of income from the fixed source to the amount generated during the prior year. If the amounts are the same or if they have changed only as a result of the COLA or other rate of interest generated on the principal amount that remained otherwise constant, the amount is fixed. The GRHC must document the tenant file how it made the determination that a source of income is fixed. The determination of fixed income may be streamlined even if the family also receives income from other non-fixed sources.

GRHC MTW Flexibility

For the public housing program, the GRHC will decrease the frequency of reexaminations from annual to biennial for elderly and/or disabled households that are on a fixed income. The GRHC will streamline year two (2) after the initial certification and verify all income in year four (4).

9-I.C. SCHEDULING ANNUAL REEXAMINATIONS

Generally, the GRHC will schedule annual/biennial reexaminations to coincide with the family's anniversary date. The GRHC will begin the annual reexamination process approximately 120 days in advance of the scheduled effective date. *Anniversary date* is defined as 12 months from the effective date of the family's last annual reexamination or, during a family's first year in the program, from the effective date of the family's initial examination (admission). If the family transfers to a new unit, the GRHC will perform a new annual reexamination, and the anniversary date will be changed. The GRHC may also schedule an annual reexamination for completion prior to the anniversary date for administrative purposes.

Notification of and Participation in the Annual/Biennial Reexamination Process

Families generally are required to participate in an annual/biennial reexamination interview, which must be attended by the head of household, spouse, or cohead. If participation in an in-person interview poses a hardship because of a family member's disability, the family should contact the

GRHC to request a reasonable accommodation. Notification of annual reexamination interviews will be sent by first-class mail or placed on door and will contain the date, time, and location of the interview. In addition, it will inform the family of the information and documentation that must be brought to the interview. If the family is unable to attend a scheduled interview, the family should contact the GRHC in advance of the interview to schedule a new appointment. In all circumstances, if a family does not attend the scheduled interview, the GRHC will send a second notification with a new interview appointment time. If a family fails to attend two scheduled interviews without GRHC approval, the family will be in violation of their lease and may be terminated in accordance with the policies in Chapter 13. An advocate, interpreter, or other assistant may assist the family in the interview process.

9-I.D. CONDUCTING ANNUAL REEXAMINATIONS

Families will be asked to bring all required information (as described in the reexamination notice) to the reexamination appointment. The required information will include a GRHC-designated reexamination form, an Authorization for the Release of Information/Privacy Act Notice, as well as supporting documentation related to the family's income, expenses, and family composition.

Any required documents or information that the family is unable to provide at the time of the interview must be provided within 15 calendar days of the interview. If the family is unable to obtain the information or materials within the required time frame, the family may request an extension. If the family does not provide the required documents or information within the required time frame (plus any extensions), the family will be in violation of their lease and may be terminated in accordance with the policies in Chapter 13.

Change in Unit Size

The GRHC may use the results of the annual reexamination to require the family to move to an appropriate size unit [24 CFR 960.257(a)(4)]. Policies governing transfers are contained in Chapter 12.

Criminal Background Checks

Each household member age 18 and over will be required to execute a consent form for a criminal background check as part of the annual reexamination process. At the annual reexamination, the GRHC will ask whether the tenant, or any member of the tenant's household, is subject to a lifetime sex offender registration requirement in any state. The GRHC will use the Dru Sjodin National Sex Offender database to verify the information provided by the tenant.

Compliance with Community Service

For families who include nonexempt individuals, the GRHC must determine compliance with community service requirements once each twelve (12) months [24 CFR 960.257(a)(3)]. Policies governing compliance with community service requirements are contained in Chapter 11.

9-I.E. EFFECTIVE DATES

As part of the annual reexamination process, the GRHC must make appropriate adjustments in the rent after consultation with the family and upon verification of the information [24 CFR 960.257(a)]. In general, an *increase* in the tenant rent that results from an annual reexamination will take effect on the family's anniversary date, and the family will be notified at least 30 days in advance. If less than 30 calendar days remain before the scheduled effective date, the increase will take effect on the first of the month following the end of the 30 calendar day notice period. If the GRHC chooses to schedule an annual reexamination for completion prior to the family's

anniversary date for administrative purposes, the effective date will be determined by the GRHC, but will always allow for the 30 calendar day notice period. If the family causes a delay in processing the annual reexamination, *increases* in the tenant rent will be applied retroactively to the scheduled effective date of the annual reexamination. The family will be responsible for any underpaid rent and may be offered a repayment agreement in accordance with the policies in Chapter 16. In general, a *decrease* in the tenant rent that results from an annual reexamination will take effect on the family's anniversary date. If the GRHC chooses to schedule an annual reexamination for completion prior to the family's anniversary date for administrative purposes, the effective date will be determined by the GRHC. If the family causes a delay in processing the annual reexamination, *decreases* in the tenant rent will be applied prospectively, from the first day of the month following completion of the reexamination processing. Delays in reexamination processing are caused by the family if the family fails to provide information requested by the GRHC by the date specified, and this delay prevents the GRHC from completing the reexamination as scheduled.

PART II: REEXAMINATIONS FOR FAMILIES PAYING FLAT RENTS [24 CFR 960.257]

9-II.A. OVERVIEW

This part contains the GRHC's policies for conducting full reexaminations of family income and composition for families paying flat rents. These full reexaminations are conducted at least once every 3 years. This part also contains the GRHC's policies for conducting annual updates of family composition for flat rent families.

9-II.B. FULL REEXAMINATION OF FAMILY INCOME AND COMPOSITION

Frequency of Reexamination

For families paying flat rents, the GRHC will conduct a full reexamination of family income and composition once every 3 years.

Reexamination Policies

In conducting full reexaminations for families paying flat rents, the GRHC will follow the policies used for the annual reexamination of families paying income-based rent as set forth in Sections 9-I.B through 9-I.D above.

9-II.C. REEXAMINATION OF FAMILY COMPOSITION ("ANNUAL UPDATE")

As noted above, full reexaminations are conducted every three (3) years for families paying flat rents. In the years between full reexaminations, regulations require the GRHC to conduct a reexamination of family composition ("annual update"). The annual update process is similar to the annual reexamination process, except that the GRHC does not collect information about the family's income and expenses, unless the family requests the GRHC to determine the amount of income-based rent the family would pay and submits updated income information. The family's rent is not recalculated following an annual update. Although this process is referred to in HUD regulations as a "reexamination of family composition," families are required to report any changes in family composition according to the GRHC's interim policies in Part III of this chapter. The purpose of the reexamination of family composition is to ensure that the size and type of unit in which the family is living is appropriate for the family's size and needs [PH Occ GB, p. 155].

Scheduling

For families paying flat rents, annual updates will be conducted in each of the 2 years following the full reexamination. In scheduling the annual update, the GRHC will follow the policy used for scheduling the annual reexamination of families paying income-based rent as set forth in Section 9-I.B. above.

Conducting Annual Updates

Generally, the family will not be required to attend an interview for an annual update. However, if the GRHC determines that an interview is warranted, the family may be required to attend. Notification of the annual update will be sent by first-class mail or posting on door and will inform the family of the information and documentation that must be provided to the GRHC. The family will have 15 calendar days to submit the required information to the GRHC. If the family is unable to obtain the information or documents within the required time frame, the family may request an extension. The GRHC will accept required documentation by mail, by email, by fax, or in person. If the family's submission is incomplete, or the family does not submit the information in the required time frame, the GRHC will send a second written notice to the family. The family will

have 15 calendar days from the date of the second notice to provide the missing information or documentation to the GRHC. If the family does not provide the required documents or information within the required time frame (plus any extensions), the family will be in violation of their lease and may be terminated in accordance with the policies in Chapter 13.

Change in Unit Size

The GRHC may use the results of the annual reexamination to require the family to move to an appropriate size unit [24 CFR 960.257(a)(4)]. Policies governing transfers are contained in Chapter 12.

Criminal Background Checks

Each household member age 18 and over will be required to execute a consent form for a criminal background check as part of the annual update process.

Compliance with Community Service

For families who include nonexempt individuals, the GRHC must determine compliance with community service requirements once each 12 months [24 CFR 960.257(a)(3)]. Policies governing compliance with community service requirements are contained in Chapter 11.

PART III: INTERIM REEXAMINATIONS [24 CFR 960.257; 24 CFR 966.4]

9-III.A. OVERVIEW

This part explains that HUD requires the family to report changes in family circumstances and requires the GRHC to conduct interim reexaminations in certain situations.

9-III.B. CHANGES IN FAMILY AND HOUSEHOLD COMPOSITION

All families, those paying income-based rent as well as flat rent, must report all changes in family and household composition that occur between annual reexaminations (or annual updates).

The GRHC will conduct interim reexaminations to account for any changes in household composition that occur between annual reexaminations.

New Family Members Not Requiring Approval

The family must inform the GRHC of the birth, adoption, or court-awarded custody of a child within 15 calendar days.

New Family and Household Members Requiring Approval

Families must request GRHC approval to add a new family member, live-in aide, foster child, or foster adult. This includes any person not on the lease who is expected to stay in the unit for more than 14 consecutive days or a total of 30 cumulative calendar days during any twelve (12) month period and therefore no longer qualifies as a “guest.” Requests must be made in writing and approved by the GRHC prior to the individual moving into the unit.

If adding a person to a household (other than a child by birth, adoption, or court-awarded custody) will require a transfer to a larger size unit (under the transfer policy in Chapter 12), the GRHC will approve the addition only if the family can demonstrate that there are medical needs or other extenuating circumstances, including reasonable accommodation, that should be considered by the GRHC. Exceptions will be made on a case-by-case basis. The GRHC will not approve the addition of a new family or household member unless the individual meets the GRHC’s eligibility criteria (see Chapter 3) and documentation requirements (See Chapter 7, Part II). If the GRHC determines that an individual does not meet the GRHC’s eligibility criteria or documentation requirements, the GRHC will notify the family in writing of its decision to deny approval of the new family or household member and the reasons for the denial. The GRHC will make its determination within 15 calendar days of receiving all information required to verify the individual’s eligibility.

Departure of a Family or Household Member

If a family member ceases to reside in the unit, the family must inform the GRHC within 15 calendar days. This requirement also applies to family members who had been considered temporarily absent, who are now permanently absent. If a live-in aide, foster child, or foster adult ceases to reside in the unit, the family must inform the GRHC within 15 calendar days.

9-III.C. CHANGES AFFECTING INCOME OR EXPENSES

This section only applies to families paying income-based rent. Families paying flat rent are not required to report changes in income or expenses.

GRHC-initiated Interim Reexaminations

The GRHC will conduct interim reexaminations in each of the following instances:

- For families receiving the Earned Income Disallowance (EID), the GRHC will conduct an interim reexamination at the start, to adjust the exclusion with any changes in income, and at the conclusion of the 24- month eligibility period.
- If the family has reported zero income, the GRHC will conduct an interim reexamination every three (3) months as long as the family continues to report that they have no income.
- If at the time of the annual reexamination, it is not feasible to anticipate a level of income for the next 12 months (e.g. seasonal or cyclic income); the GRHC will schedule an interim reexamination to coincide with the end of the period for which it is feasible to project income.
- If at the time of the annual reexamination, tenant declarations were used on a provisional basis due to the lack of third-party verification, and third-party verification becomes available, the GRHC will conduct an interim reexamination.
- The GRHC may conduct an interim reexamination at any time in order to correct an error in a previous reexamination, or to investigate a tenant fraud complaint.

Family-Initiated Interim Reexaminations

The GRHC must adopt policies prescribing when and under what conditions the family must report changes in family income or expenses [24 CFR 960.257(c)]. In addition, HUD regulations require that the family be permitted to obtain an interim reexamination any time the family has experienced a change in circumstances since the last determination [24 CFR 960.257(b)].

Required Reporting

The first category of family-initiated interims is one that results from changes the family is required to report. The GRHC may require families to report some, all, or none of the changes in income or expenses that would result in a rent increase. Families are required to report all increases in earned income, including new employment, within 15 calendar days of the date the change takes effect.

GRHC MTW Flexibility

The GRHC will limit Interim Recertifications (IR) for elderly and/or disabled families on fixed incomes to decreases of income that are greater than 10% of the family/household's gross annual income and/or household composition changes. Residents may request a hardship exemption to waive the MTW activity.

Optional Reporting

The second category of family-initiated interims is one that results from changes the family chooses to report even though HUD requirements and GRHC policies do not require it. If a family reports a change that it was not required to report and that would result in an increase in the tenant rent, the GRHC will note the information in the tenant file, but will not conduct an interim reexamination. If a family reports a change that it was not required to report and that would result in a decrease in the tenant rent, the GRHC will conduct an interim reexamination. See Section 9-III.D. for effective dates. Families may report changes in income or expenses at any time.

9-III.D. PROCESSING THE INTERIM REEXAMINATION

This section discusses policies related to how the family must report changes, and the time frames for providing information the GRHC may require.

Method of Reporting

The family may notify the GRHC of changes either orally or in writing. If the family provides oral notice, the GRHC may also require the family to submit the changes in writing. Generally, the family will not be required to attend an interview for an interim reexamination. However, if the GRHC determines that an interview is warranted, the family may be required to attend. Based on the type of change reported, the GRHC will determine the documentation the family will be required to submit. The family must submit any required information or documents within 15 calendar days of receiving a request from the GRHC. This time frame may be extended for good cause with GRHC approval. The GRHC will accept required documentation by mail, by email, by fax, or in person.

Effective Dates

If the tenant rent is to *increase*:

- The increase generally will be effective on the first of the month following 30 days' notice to the family.
- If a family fails to report a change within the required time frames or fails to provide all required information within the required time frames, the increase will be applied retroactively to the date it would have been effective had the information been provided on a timely basis. The family will be responsible for any underpaid rent and may be offered a repayment agreement in accordance with the policies in Chapter 16.

If the tenant rent is to *decrease*:

- The decrease will be effective on the first day of the month following the month in which the change was reported. In cases where the change cannot be verified until after the date the change would have become effective, the change will be made retroactively.

PART IV: RECALCULATING TENANT RENT

9-IV.A. OVERVIEW

This part explains the requirement for GRHCs to recalculate tenant rent, and to provide notice to the family of these changes.

9-IV.B. CHANGES IN UTILITY ALLOWANCES (24 CFR 965.507, 24 CFR 966.4)

The tenant rent calculations must reflect any changes in the GRHC's utility allowance schedule [24 CFR 960.253(c)(3)]. Chapter 16 discusses how utility allowance schedules are established.

Unless the GRHC is required to revise utility allowances retroactively, revised utility allowances will be applied to a family's rent calculations at the first annual reexamination after the allowance is adopted.

9-IV.C. NOTIFICATION OF NEW TENANT RENT

The public housing lease requires the GRHC to give the tenant written notice stating any change in the amount of tenant rent, and when the change is effective [24 CFR 966.4(b)(1)].

The notice to the family will include the annual and adjusted income amounts that were used to calculate the tenant rent.

9-IV.D. DISCREPANCIES

When errors resulting in the overpayment or underpayment of rent are discovered, they will be corrected in accordance with the policies contained in Chapter 13.

Chapter 10

PETS

[24 CFR 5, Subpart C; 24 CFR 960, Subpart G]

INTRODUCTION

The GRHC's pet policies must comply with applicable state and local public health, animal control, and animal cruelty laws and regulations. Since these laws and regulations vary from community to community, pet policies must necessarily be tailored to meet local conditions. Pet policies may also vary by development.

This chapter describes HUD regulations and GRHC policies related to pet ownership as follows:

Part I: Assistance Animals. This part explains the difference between assistance animals, including service and support animals, and pets, and contains policies related to the designation of an assistance animal as well as their care and handling.

Part II: Pet policies for all developments. This part includes pet policies that are common to both elderly/disabled developments and general occupancy developments.

Part III: Pet deposits and fees for elderly/disabled developments. This part contains policies for pet deposits and fees that are applicable to elderly/disabled developments.

Part IV: Pet deposits and fees for general occupancy developments. This part contains policies for pet deposits and fees that are applicable to general occupancy developments.

Pet Ownership Regulations

There are two sets of HUD regulations concerning pets in public housing. The first can be found at 24 CFR 5 Subpart C and contain regulations for the ownership of pets in elderly, disabled, and mixed population developments. The regulations for pets in general occupancy developments can be found at 24 CFR 960, Subpart G. Generally, the regulations governing pets in elderly and disabled developments are more specific.

Policies in the GRHC LIPH ACOP

While the regulations differ depending upon the type of development, GRHC has established similar pet policies for both types of developments [PH OCC GB, p. 179]. This approach establishing “matching” pet policies, when the regulations allow for it, contributes to ease of administration, and reduces confusion for residents and staff members.

State and Local Laws and Codes

Pet policies must not conflict with state or local laws or regulations.

PART I: ASSISTANCE ANIMALS

[Section 504; Fair Housing Act (42 U.S.C.); 24 CFR 5.303; 24 CFR 960.705; Notice FHEO 2020-01]

10-I.A. OVERVIEW

This part provides information about the definition of assistance animals, including service and support animals, and the GRHC's treatment of such animals. It should be noted that assistance animals include animals that provide emotional support to persons with disabilities who have a disability-related need for such support. Assistance animals, including service and support animals, are not pets. GRHC may not apply or enforce any pet policies against assistance animals [24 CFR 5.303; 960.705; Notice FHEO 2020-01].

10-I.B. APPROVAL OF ASSISTANCE ANIMALS [Notice FHEO 2020-01]

This section contains the GRHC's policies for the approval of assistance animals, including service animals and support animals. The Fair Housing Act does not require a dwelling to be made available to an individual whose tenancy would constitute a direct threat to the health and safety of other individuals or would result in substantial physical damage to the property of others. The GRHC may therefore refuse a reasonable accommodation for an assistance animal if the specific animal poses a direct threat that cannot be eliminated or reduced to an acceptable level through the actions the individual takes to maintain or control the animal (e.g., keeping the animal in a security enclosure). The GRHC has the authority to regulate service animals and assistance animals under applicable federal, state, and local law [24 CFR 5.303(b)(3); 960.705(b)(3)]. As an example, permission would not be given for an assistance animal that is not allowed under local animal laws, such as a tiger. For an animal to be excluded from the pet policy and be considered a service animal, it must be a trained dog, and there must be a person with disabilities in the household who requires the dog's services. For an animal to be excluded from the pet policy and be considered a support animal, there must be a person with disabilities in the household, there must be a disability-related need for the animal, and the family must request and the GRHC approve a reasonable accommodation in accordance with the criteria outlined in Notice FHEO 2020-01 and the policies contained in Chapter 2.

10-I.C. CARE AND HANDLING

Residents are responsible for feeding, maintaining, providing veterinary care, and controlling their assistance animals. A resident may do this on his or her own or with the assistance of family, friends, volunteers, or service providers. Residents must care for assistance animals in a manner that complies with state and local laws, including anti-cruelty laws. Residents must ensure that assistance animals do not pose a direct threat to the health or safety of others, or cause substantial physical damage to the development, dwelling unit, or property of other residents. When a resident's care or handling of an assistance animal violates these policies, the GRHC will consider whether the violation could be reduced or eliminated by reasonable accommodation. If the GRHC determines that no such accommodation can be provided, the GRHC may withdraw the approval of a particular assistance animal.

PART II: PET POLICIES FOR ALL DEVELOPMENTS

[24 CFR 5, Subpart C; 24 CFR 960, Subpart G]

10-II.A. OVERVIEW

This part includes pet policies that are common to both elderly/disabled developments and general occupancy developments.

10-II.B. MANAGEMENT APPROVAL OF PETS

Registration of Pets

Pets must be registered with the GRHC before they are brought onto the premises. Registration includes documentation signed by a licensed veterinarian or state/local authority that the pet has received all inoculations required by state or local law, and that the pet has no communicable disease(s) and is pest-free. This registration must be renewed annually and will be coordinated with the annual reexamination date. Pets will not be approved to reside in a unit until completion of the registration requirements.

Refusal to Register Pets

The GRHC will refuse to register a pet if:

- The pet is not a *common household pet* as defined in Section 10-II.C. below
- Keeping the pet would violate any pet restrictions listed in this policy
- The pet owner fails to provide complete pet registration information, or fails to update the registration annually
- The applicant has previously been charged with animal cruelty under state or local law; or has been evicted, had to relinquish a pet or been prohibited from future pet ownership due to pet rule violations or a court order
- The GRHC reasonably determines that the pet owner is unable to keep the pet in compliance with the pet rules and other lease obligations. The pet's temperament and behavior may be considered as a factor in determining the pet owner's ability to comply with provisions of the lease.

If the GRHC refuses to register a pet, written notification will be sent to the pet owner within 15 calendar days of the GRHC's decision. The notice will state the reason for refusing to register the pet and will inform the family of their right to appeal the decision in accordance with the GRHC's grievance procedures.

Pet Agreement

Residents who have been approved to have a pet must enter into a pet agreement with the GRHC, or the approval of the pet will be withdrawn. The pet agreement is the resident's certification that he or she has received a copy of the GRHC's pet policy and applicable house rules, that he or she has read the policies and/or rules, understands them, and agrees to comply with them. The resident further certifies by signing the pet agreement that he or she understands that noncompliance with the GRHC's pet policy and applicable house rules may result in the withdrawal of GRHC approval of the pet or termination of tenancy.

10-II.C. STANDARDS FOR PETS [24 CFR 960.705(b); 5.318]

This part of the ACOP contains the GRHC's policies governing the size, type, and number of pets allowed, as well as requirements for licensing and spaying or neutering pets.

Definition of “Common Household Pet”

Common household pet means a domesticated animal, such as a dog, cat, bird, or fish that is traditionally recognized as a companion animal and is kept in the home for pleasure rather than commercial purposes. The following animals are not considered common household pets:

- Reptiles
- Rodents
- Insects
- Arachnids
- Wild animals or feral animals
- Pot-bellied pigs
- Animals used for commercial breeding

Pet Restrictions

The following animals are not permitted:

- Any animal whose adult weight will exceed 20 pounds and taller than 18 inches.
- Dogs of the pit bull, rottweiler, chow, or boxer breeds
- Any animal not permitted under state or local law or code

Number of Pets

Residents may own a maximum of two (2) pets, only one (1) of which may be a dog. In the case of fish, residents may keep no more than can be maintained in a safe and healthy manner in a tank holding up to ten (10) gallons. Such a tank or aquarium will be counted as one (1) pet.

Other Requirements

Dogs and cats must be spayed or neutered at the time of registration or, in the case of underage animals, within 30 calendar days of the pet reaching six (6) months of age. Exceptions may be made upon veterinary certification that subjecting this particular pet to the procedure would be temporarily or permanently medically unsafe or unnecessary. Pets must be licensed in accordance with state or local law. Residents must provide proof of licensing at the time of registration and annually, in conjunction with the resident’s annual reexamination.

10-II.D. PET RULES

As noted earlier in this chapter, the GRHC has broad discretion in establishing pet policies. Different or varying guidelines may be appropriate locally, and pet policies must comply with applicable local laws. (*PH Guidebook*, p. 183)

Pet Area Restrictions

Pets must be maintained within the resident's unit. When outside of the unit (within the building or on the grounds) dogs and cats must be kept on a leash or carried. They must be always under the control of the resident or other responsible individual. Pets other than dogs or cats must be kept in a cage or carrier when outside of the unit. Pets are not permitted in common areas including lobbies, community rooms and laundry areas except for those common areas which are entrances to and exits from the building. Pet owners are not permitted to exercise pets or permit pets to deposit waste on project premises outside of the areas designated for such purposes.

Designated Pet/No-Pet Areas [24 CFR 5.318(g), PH GB, p. 182]

Except for common areas as described in the previous policy, the GRHC has not designated any buildings, floors of buildings, or sections of buildings as no-pet areas. In addition, the GRHC has

not designated any buildings, floors of buildings, or sections of buildings for residency of pet-owning tenants.

Cleanliness

The pet owner shall be responsible for the removal of waste from the exercise area by placing it in a sealed plastic bag and disposing of it in a container provided by the GRHC. The pet owner shall take adequate precautions to eliminate any pet odors within or around the unit and to always maintain the unit in a sanitary condition. Litter box requirements:

- Pet owners must promptly dispose of waste from litter boxes and must maintain litter boxes in a sanitary manner.
- Litter shall not be disposed of by being flushed through a toilet. Litter boxes shall be kept inside the resident's dwelling unit.

Alterations to Unit

Pet owners shall not alter their unit, patio, premises or common areas to create an enclosure for any animal. Installation of pet doors is prohibited.

Noise

Pet owners must agree to control the noise of pets so that such noise does not constitute a nuisance to other residents or interrupt their peaceful enjoyment of their housing unit or premises. This includes, but is not limited to loud or continuous barking, howling, whining, biting, scratching, chirping, or other such activities.

Pet Care

Each pet owner shall be responsible for adequate care, nutrition, exercise and medical attention for his/her pet. Each pet owner shall be responsible for appropriately training and caring for his/her pet to ensure that the pet is not a nuisance or danger to other residents and does not damage GRHC property. No animals may be tethered or chained inside or outside the dwelling unit at any time.

Responsible Parties

The pet owner will be required to designate two responsible parties for the care of the pet if the health or safety of the pet is threatened by the death or incapacity of the pet owner, or by other factors that render the pet owner unable to care for the pet. A resident who cares for another resident's pet must notify the GRHC and sign a statement that they agree to abide by all of the pet rules.

Pets Temporarily on the Premises

Pets that are not owned by a tenant are not allowed on the premises. Residents are prohibited from feeding or harboring stray animals. This rule does not apply to visiting pet programs sponsored by a humane society or other non-profit organizations and approved by the GRHC.

Pet Rule Violations

All complaints of cruelty and all dog bites will be referred to animal control or applicable agency for investigation and enforcement. If a determination is made on objective facts supported by written statements, that a resident/pet owner has violated the pet rules, written notice will be served. The notice will contain a brief statement of the factual basis for the determination and the pet rule(s) that were violated. The notice will also state:

- That the pet owner has 15 calendar days from the effective date of the service of notice to

- correct the violation or make written request for a meeting to discuss the violation;
- That the pet owner is entitled to be accompanied by another person of his or her choice at the meeting; and
- That the pet owner's failure to correct the violation, request a meeting, or appear at a requested meeting may result in initiation of procedures to remove the pet, or to terminate the pet owner's tenancy.

Notice for Pet Removal

If the pet owner and the GRHC are unable to resolve the violation at the meeting or the pet owner fails to correct the violation in the time period allotted by the GRHC, the GRHC may serve notice to remove the pet. The notice will contain:

- A brief statement of the factual basis for the GRHC's determination of the pet rule that has been violated
- The requirement that the resident /pet owner must remove the pet within 30 calendar days of the notice
- A statement that failure to remove the pet may result in the initiation of termination of tenancy procedures

Pet Removal

If the death or incapacity of the pet owner threatens the health or safety of the pet, or other factors occur that render the owner unable to care for the pet, the situation will be reported to the responsible party designated by the pet owner. If the responsible party is unwilling or unable to care for the pet, or if the GRHC after reasonable efforts cannot contact the responsible party, the GRHC may contact the appropriate state or local agency and request the removal of the pet.

Termination of Tenancy

The GRHC may initiate procedures for termination of tenancy based on a pet rule violation if:

- The pet owner has failed to remove the pet or correct a pet rule violation within the time period specified
- The pet rule violation is sufficient to begin procedures to terminate tenancy under terms of the lease

Emergencies

The GRHC will take all necessary steps to ensure that pets that become vicious, display symptoms of severe illness, or demonstrate behavior that constitutes an immediate threat to the health or safety of others, are immediately removed from the premises by referring the situation to the appropriate state or local entity authorized to remove such animals. If it is necessary for the GRHC to place the pet in a shelter facility, the cost will be the responsibility of the pet owner. If the pet is removed as a result of any aggressive act on the part of the pet, the pet will not be allowed back on the premises.

PART III: PET DEPOSITS AND FEES IN ELDERLY/DISABLED DEVELOPMENTS

[24 CFR 5.318(d)]

10-III.A. OVERVIEW

This part contains the GRHC's policies governing pet deposits for residents of elderly, disabled and mixed population developments. The GRHC is not permitted to charge a "non-refundable nominal fee" for pet-related operating costs in these developments. Other pet-related fees and charges are also addressed in this part.

10-III.B. PET DEPOSITS [24 CFR 5.318(d)(1) and (d)(3)]

Payment of Deposit

Pet owners are required to pay a pet deposit in addition to any other required deposits. The amount of the deposit is the higher of the family's total tenant payment or \$50.00 and prefers to be paid in full before the pet is brought on the premises. The GRHC will allow installments over a three (3) month period.

Refund of Deposit

The GRHC will refund the pet deposit to the resident, less the costs of any damages caused by the pet to the dwelling unit, within 30 calendar days of move-out or removal of the pet from the unit. The resident will be billed for any amount that exceeds the pet deposit. The GRHC will provide the resident with a written list of any charges against the pet deposit within 15 calendar days of the move-out inspection. If the resident disagrees with the amount charged to the pet deposit, the GRHC will provide a meeting to discuss the charges.

10-III.C. OTHER CHARGES

Pet-Related Damages During Occupancy

All reasonable expenses incurred by the GRHC as a result of damages directly attributable to the presence of the pet in the project will be the responsibility of the resident, including:

- The cost of repairs and replacements to the resident's dwelling unit
- Fumigation of the dwelling unit
- Repairs to common areas of the project
- The expense of flea elimination shall also be the responsibility of the resident.
- If the resident is in occupancy when such costs occur, the resident shall be billed for such costs in accordance with the policies in Section 8-I.G, Maintenance and Damage Charges. Pet deposits will not be applied to the costs of pet-related damages during occupancy.
- Charges for pet-related damage are not part of rent payable by the resident.

Pet Waste Removal Charge

A separate pet waste removal charge of \$10.00 per occurrence will be assessed against pet owners who fail to remove pet waste in accordance with this policy. Notices of pet waste removal charges will be in accordance with requirements regarding notices of adverse action. Charges are due and payable 15 calendar days after billing. If the family requests a grievance hearing within the required timeframe, the GRHC may not take action for nonpayment of the charge until the conclusion of the grievance process. Charges for pet waste removal are not part of rent payable by the resident.

PART IV: PET DEPOSITS AND FEES IN GENERAL OCCUPANCY DEVELOPMENTS

[24 CFR 960, Subpart G]

10-IV.A. OVERVIEW

The regulations governing pet deposits and fees in general occupancy developments are different from the regulations for elderly/disabled developments. The policies in this part apply to all residents of general occupancy developments, including elderly and disabled families.

10-IV.B. PET DEPOSITS

Payment of Deposit

Pet owners are required to pay a pet deposit in addition to any other required deposits. The amount of the deposit is the higher of the family's total tenant payment or \$50.00 and prefers to be paid in full before the pet is brought on the premises. The GRHC will allow installments over a three (3) month period.

Refund of Deposit

The GRHC will refund the pet deposit to the resident, less the costs of any damages caused by the pet to the dwelling unit, within 30 days of move-out or removal of the pet from the unit.

The resident will be billed for any amount that exceeds the pet deposit.

The GRHC will provide the resident with a written list of any charges against the pet deposit within 15 calendar days of the move-out inspection. If the resident disagrees with the amount charged to the pet deposit, the GRHC will provide a meeting to discuss the charges.

10-IV.C. NON-REFUNDABLE NOMINAL PET FEE

The GRHC requires pet owners to pay a non-refundable nominal pet fee.

This fee is intended to cover the reasonable operating costs to the project relating to the presence of pets. Reasonable operating costs to the project relating to the presence of pets include, but are not limited to:

- Landscaping costs
- Pest control costs
- Insurance costs
- Clean-up costs

The pet fee of \$10.00 will be billed on a monthly basis, and payment will be due 15 calendar days after billing. Charges for the non-refundable pet fee are not part of rent payable by the resident.

10-IV.D. OTHER CHARGES

Pet-Related Damages During Occupancy

All reasonable expenses incurred by the GRHC as a result of damages directly attributable to the presence of the pet in the project will be the responsibility of the resident, including:

- The cost of repairs and replacements to the resident's dwelling unit Fumigation of the dwelling unit
- Repairs to common areas of the project
- The expense of flea elimination shall also be the responsibility of the resident.

If the resident is in occupancy when such costs occur, the resident shall be billed for such costs in accordance with the policies in Section 8-I.G, Maintenance and Damage Charges. Pet deposits will not be applied to the costs of pet-related damages during occupancy. Charges for pet-related damage are not part of rent payable by the resident.

Pet Waste Removal Charge

A separate pet waste removal charge of \$10.00 per occurrence will be assessed against pet owners who fail to remove pet waste in accordance with this policy. Such charges will be due and payable 15 calendar days after billing. Charges for pet waste removal are not part of rent payable by the residents.

Chapter 11

COMMUNITY SERVICE

INTRODUCTION

This chapter explains HUD regulations requiring GRHCs to implement a community service program for all nonexempt adults living in public housing.

This chapter describes HUD regulations and GRHC policies related to these topics in two parts:

Part I: Community Service Requirements. This part describes who is subject to the community service requirement, who is exempt, and HUD's definition of economic self-sufficiency.

Part II: GRHC Implementation of Community Service. This part provides GRHC policy regarding GRHC implementation and program design.

PART I: COMMUNITY SERVICE REQUIREMENT 11-I.A. OVERVIEW

This part describes who is subject to the community service requirement, who is exempt, and HUD's definition of economic self-sufficiency.

11-I.B. REQUIREMENTS

Each adult resident is required to provide community service or participate in economic self-sufficiency activities 8 hours per month [24 CFR 960.603(a)].

Definitions

Exempt Individual [24 CFR 960.601(b), Notice PIH 2015-12]

The GRHC will consider 30 hours per week as the minimum number of hours needed to qualify for a work activity exemption.

Community Service [24 CFR 960.601(b), Notice PIH 2015-12]

Community services at profit-motivated entities, volunteer work performed at homes or offices of general private citizens, and court-ordered or probation-based work will not be considered eligible community service activities.

Economic Self-Sufficiency Program [24 CFR 5.603(b), Notice PIH 2015-12]

Any program designed to encourage, assist, train, or facilitate the economic independence of HUD-assisted families or to provide work for such families. These programs include programs for job training, employment counseling, work placement, basic skills training, education, English proficiency, workfare, financial or household management, apprenticeship, and any program necessary to ready a participant for work (including a substance abuse or mental health treatment program), or other work activities.

Work Activities [42 U.S.C. 607(d)]

GRHC will not pose specific language for work activities.

Notification Requirements [24 CFR 960.605(c)(2), Notice PIH 2015-12, Notice PIH 2016-06]

The GRHC will provide the family with a copy of the Community Service Policy, at lease-up, lease renewal, when a family member is determined to be subject to the community service requirement during the lease term, and at any time upon the family's request. The policy will notify the family that self-certification forms are subject to review by the GRHC. On an annual basis, at the time of lease renewal, the GRHC will notify the family in writing of the family members who are subject to the community service requirement and the family members who are exempt. If the family includes nonexempt individuals the notice will include a list of agencies in the community that provide volunteer and/or training opportunities, as well as a documentation form on which they may record the activities they perform, and the number of hours contributed. The form will also have a place for a signature by an appropriate official, who will certify to the activities and hours completed.

11-I.C. DETERMINATION OF EXEMPTION STATUS AND COMPLIANCE [24 CFR 960.605(c)(3)]

Annual Determination

Determination of Exemption Status

At least 60 calendar days prior to lease renewal, the GRHC will review and verify the exemption status of all adult family members. This verification will only be done on an annual basis unless

the family reports a change or the GRHC has reason to believe that an individual's exemption status has changed. For individuals who are exempt because they are 62 years of age and older, verification of exemption status will be done only at the initial examination. Upon completion of the verification process, the GRHC will notify the family in accordance with the policy in Section 11-I.B., Notification Requirements.

Determination of Compliance

Approximately 60 calendar days prior to the end of the lease term, the GRHC will provide written notice requiring the family to submit documentation that all subject family members have complied with the service requirement. The family will have 15 calendar days to submit the GRHC required documentation form(s). If the family fails to submit the required documentation within the required timeframe, or GRHC approved extension, the subject family members will be considered noncompliant with community service requirements, and notices of noncompliance will be issued pursuant to the policies in Section 11-I.E., Noncompliance.

Change in Status Between Annual Determinations

Exempt to Nonexempt Status

If an exempt individual becomes nonexempt during the twelve-month lease term, it is the family's responsibility to report this change to the GRHC within 15 calendar days. Within 15 calendar days of a family reporting such a change, or the GRHC determining such a change is necessary, the GRHC will provide written notice of the effective date of the requirement, a list of agencies in the community that provide volunteer and/or training opportunities, as well as a documentation form on which the family member may record the activities performed and number of hours contributed. The effective date of the community service requirement will be the first of the month following 30 day notice.

Determination of Initial Compliance

When an adult family member becomes subject to community service, he or she must perform eight (8) hours of community service for the months he or she is subject to the requirement before the end of the lease term (anniversary date).

Example 1: Alberto Jones turns 18 on 5/10/15 and is not exempt from the community service requirement. His community service requirement begins on 6/1/15, and his initial compliance is reviewed before the end of the lease term (anniversary date), which is 11/30/15.

Alberto must perform 6 months of community service in his initial compliance period, before the end of the lease term (anniversary date)

Example 2: Lisa Dewhurst leaves her job on 9/20/14 and is not exempt from the community service requirement. Her community service requirement begins on 10/1/14, and her initial compliance is reviewed before the end of the lease term (anniversary date), which is 6/30/15.

Ms. Dewhurst must perform 9 months of community service in her initial compliance period, before the end of the lease term (anniversary date).

Nonexempt to Exempt Status

If a nonexempt person becomes exempt during the twelve-month lease term, it is the family's

responsibility to report this change to the GRHC within 15 calendar days. Any claim of exemption will be verified by the GRHC in accordance with the policy at 11-I.D.

Documentation and Verification of Exemption Status.

Within 15 calendar days of a family reporting such a change, or the GRHC determining such a change is necessary, the GRHC will provide the family written notice that the family member is no longer subject to the community service requirement, if the GRHC is able to verify the exemption. The exemption will be effective immediately.

11-I.D. DOCUMENTATION AND VERIFICATION [24 CFR 960.605(c)(4), 960.607, Notice PIH 2016-08]

Documentation and Verification of Exemption Status

All family members who claim they are exempt from the community service requirement will be required to sign the community service exemption certification form found. The GRHC will provide a completed copy to the family and will keep a copy in the tenant file. The GRHC will verify that an individual is exempt from the community service requirement by following the verification hierarchy and documentation requirements in Chapter 7. The GRHC makes the final determination whether or not to grant an exemption from the community service requirement. If a resident does not agree with the GRHC's determination, s/he can dispute the decision through the GRHC's grievance procedures (see Chapter 14).

Documentation and Verification of Compliance

Each individual who is subject to the community service requirement will be required to record their community service or self-sufficiency activities and the number of hours contributed on the required form. The certification form will also include places for signatures and phone numbers of supervisors, instructors, and counselors certifying to the number of hours contributed. Families will be required to submit the documentation to the GRHC, upon request by the GRHC, at least annually. If the GRHC has reasonable cause to believe that the certification provided by the family is false or fraudulent, the GRHC has the right to require additional third-party verification.

11-I.E. NONCOMPLIANCE

Noncompliant Residents

This section explains that violation of the service requirement is grounds for nonrenewal of the lease at the end of the twelve-month lease term, but not for termination of tenancy during the twelve (12) month lease term. The notice of noncompliance will be sent at least 45 calendar days prior to the end of the lease term. The family will have 15 calendar days from the date of the notice of noncompliance to enter into a written work-out agreement to cure the noncompliance over the twelve (12) month term of the new lease, provide documentation that the noncompliant resident no longer resides in the unit, or to request a grievance hearing. If the family reports that a noncompliant family member is no longer residing in the unit, the family must provide documentation that the family member has vacated the unit before the GRHC will agree to continued occupancy of the family. Documentation must consist of a certification signed by the head of household as well as evidence of the current address of the family member that previously resided with them. If the family does not request a grievance hearing or does not take either corrective action required by the notice of noncompliance within the required 15 calendar day timeframe, the GRHC will terminate tenancy in accordance with the policies in Section 13-IV.D.

Continued Noncompliance and Enforcement Documentation [24 CFR 960.607(b)]

Notices of continued noncompliance will be sent at least 30 days prior to the end of the lease term and will also serve as the family's termination notice. The notice will meet the requirements for termination notices described in Section 13-IV.D, Form, Delivery, and Content of the Notice.

The family will have 15 calendar days from the date of the notice of non-compliance to provide documentation that the noncompliant resident no longer resides in the unit, or to request a grievance hearing. If the family reports that a noncompliant family member is no longer residing in the unit, the family must provide documentation that the family member has actually vacated the unit before the GRHC will agree to continued occupancy of the family. Documentation must consist of a certification signed by the head of household as well as evidence of the current address of the noncompliant family member that previously resided with them. If the family does not request a grievance hearing or provide such documentation within the required 10 business day timeframe, the family's lease and tenancy will automatically terminate at the end of the current lease term without further notice.

PART II: IMPLEMENTATION OF COMMUNITY SERVICE

11-II.A. OVERVIEW

This part provides GRHC policy regarding GRHC implementation and program design.

11-II.B. GRHC Implementation of Community Service

The GRHC will notify its insurance company if residents will be performing community service at the GRHC. In addition, the GRHC will ensure that the conditions under which the work is to be performed are not hazardous. If a disabled resident certifies that s/he is able to perform community service, the GRHC will ensure that requests for reasonable accommodation are handled in accordance with the policies in Chapter 2.

11-II.C. GRHC Program Design

The GRHC will attempt to provide the broadest choice possible to residents as they choose community service activities. The GRHC's goal is to design a service program that gives residents viable opportunities to become involved in the community and to gain competencies and skills. The GRHC will work with resident organizations and community organizations to design, implement, assess and recalibrate its community service program. The GRHC will make every effort to identify volunteer opportunities throughout the community, especially those in proximity to public housing developments. To the greatest extent possible, the GRHC will provide names and contacts at agencies that can provide opportunities for residents, including persons with disabilities, to fulfill their community service obligations. Any written agreements or partnerships with contractors and/or qualified organizations, including resident organizations, are described in the GRHC Plan. The GRHC will provide in-house opportunities for volunteer work or self-sufficiency programs when possible. When the GRHC has a ROSS program, a ROSS Service Coordinator, or an FSS program, the GRHC will coordinate individual training and service plans (ITSPs) with the community service requirement. Regular meetings with GRHC coordinators will satisfy community service activities and GRHC coordinators will verify community service hours within individual monthly logs.

Chapter 12

TRANSFER POLICY

INTRODUCTION

This chapter explains the GRHC's transfer policy, based on HUD regulations, HUD guidance, and GRHC policy decisions.

Part I: Emergency Transfers. This part describes emergency transfers, emergency transfer procedures, and payment of transfer costs.

Part II: GRHC Required Transfers. This part describes types of transfers that may be required by the GRHC, notice requirements, and payment of transfer costs.

Part III: Transfers Requested by Residents. This part describes types of transfers that may be requested by residents, eligibility requirements, security deposits, payment of transfer costs, and handling of transfer requests.

Part IV: Transfer Processing. This part describes creating a waiting list, prioritizing transfer requests, the unit offer policy, examples of good cause, deconcentration, transferring to another development and reexamination.

PART I: EMERGENCY TRANSFERS

12-I.A. OVERVIEW

This part describes emergency transfers, emergency transfer procedures, and payment of transfer costs

12-I.B. EMERGENCY TRANSFERS

The following are considered emergency circumstances warranting an immediate transfer of the tenant or family:

- Maintenance conditions in the resident's unit, building or at the site that pose an immediate, verifiable threat to the life, health or safety of the resident or family members that cannot be repaired or abated within 24 hours. Examples of such unit or building conditions would include: a gas leak, no heat in the building during the winter, no water, toxic contamination, and serious water leaks.
- A verified incident of domestic violence, dating violence, sexual assault, or stalking. For instances of domestic violence, dating violence, sexual assault, or stalking, the threat may be established through documentation outlined in section 16-VII.D. In order to request the emergency transfer, the requestor must submit an emergency transfer request form (HUD-5383) (Exhibit 16-4 of this ACOP), although, the GRHC may waive this requirement in order to expedite the transfer process.

The GRHC will immediately process requests for transfers due to domestic violence, dating violence, sexual assault, or stalking. The GRHC will allow a tenant to make an internal emergency transfer under VAWA when a safe unit is immediately available. The GRHC defines *immediately available* as a vacant unit that is ready for move-in within a reasonable period of time, not to exceed 30 calendar days. If an internal transfer to a safe unit is not immediately available, the GRHC will assist the resident in seeking an external emergency transfer either within or outside the GRHC's programs. The GRHC has adopted an emergency transfer plan, which is included as Exhibit 16-3 to this plan.

12-I.C. EMERGENCY TRANSFER PROCEDURES

If the transfer is necessary because of maintenance conditions, and an appropriate unit is not immediately available, the GRHC will provide temporary accommodations to the tenant by arranging for temporary lodging at a hotel or similar location. If the conditions that required the transfer cannot be repaired, or the condition cannot be repaired in a reasonable amount of time, the GRHC will transfer the resident to the first available and appropriate unit after the temporary relocation. Emergency transfers that arise due to maintenance conditions are mandatory for the tenant. If the emergency transfer is necessary to protect a victim of domestic violence, dating violence, sexual assault, or stalking, the GRHC will follow procedures outlined in Exhibit 16-4.

12-I.D. COSTS OF TRANSFER

The GRHC will bear the reasonable costs of temporarily accommodating the tenant and of long-term transfers, if any, due to emergency conditions. The reasonable cost of transfers includes the cost of packing, moving, and unloading. The GRHC may establish a moving allowance based on the typical costs in the community of packing, moving, and unloading and reimburse the family for eligible out-of-pocket moving expenses up to the GRHC's established moving allowance; choose to complete the move, or make arrangements and pay for the move.

PART II: GRHC REQUIRED TRANSFERS

12-II.A. OVERVIEW

This part describes types of transfers that may be required by the GRHC, notice requirements, and payment of transfer costs.

12-II.B. TYPES OF GRHC REQUIRED TRANSFERS

The types of transfers that may be required by the GRHC, include, but are not limited to, transfers to make an accessible unit available for a disabled family, transfers to comply with occupancy standards, transfers for demolition, disposition, revitalization, or rehabilitation, and emergency transfers as discussed in Part I of this chapter. Transfers required by the GRHC are mandatory for the tenant.

Transfers to Make an Accessible Unit Available

When a non-accessible unit becomes available, the GRHC will transfer a family living in an accessible unit that does not require the accessible features, to an available unit that is not accessible. The GRHC may wait until a disabled resident requires the accessible unit before transferring the family that does not require the accessible features out of the accessible unit.

Occupancy Standards Transfers

The GRHC will transfer a family when the family size has changed, and the family is now too large (overcrowded) or too small (over-housed) for the unit occupied. For purposes of the transfer policy, overcrowded and over-housed are defined as follows:

- *Overcrowded*: the number of household members exceeds the maximum number of persons allowed for the unit size in which the family resides, according to the chart in Section 5-I.B.
- *Over-housed*: the family no longer qualifies for the bedroom size in which they are living based on the GRHC's occupancy standards as described in Section 5-I.B.

The GRHC may transfer a family who was initially placed in a unit in which the family was over-housed to a unit of an appropriate size based on the GRHC's occupancy standards, when the GRHC determines there is a need for the transfer. The GRHC may elect not to transfer an over-housed family in order to prevent vacancies. A family that is required to move because of family size will be advised by the GRHC that a transfer is necessary, and that the family has been placed on the transfer list. Families that request and are granted an exception to the occupancy standards (for either a larger or smaller size unit) in accordance with the policies in Section 5-I.C. will only be required to transfer if it is necessary to comply with the approved exception.

Demolition, Disposition, Revitalizations, or Rehabilitation Transfers

The GRHC will relocate a family when the unit or site in which the family lives is undergoing major rehabilitation that requires the unit to be vacant, or the unit is being disposed of or demolished. The GRHC's relocation plan may or may not require transferring affected families to available public housing units. If the relocation plan calls for transferring public housing families to other public housing units, affected families will be placed on the transfer list. In cases of revitalization or rehabilitation, the family may be offered a temporary relocation if allowed under Relocation Act provisions, and may be allowed to return to their unit, depending on contractual and legal obligations, once revitalization or rehabilitation is complete.

12-II.C. ADVERSE ACTION [24 CFR 966.4(e)(8)(i)]

This section makes it clear that the GRHC required transfer is an adverse action requiring appropriate notice. To notify the tenant of the specific grounds for any proposed adverse action by the GRHC. (Such adverse action includes, but is not limited to, a proposed lease termination, transfer of the tenant to another unit, or imposition of charges for maintenance and repair, or for excess consumption of utilities.)

12-II.D. COST OF TRANSFER

The GRHC will bear the reasonable costs of transfers that the GRHC requires, except that residents will be required to bear the cost of occupancy standards transfers. The reasonable cost of transfers includes the cost of packing, moving, and unloading. The GRHC may establish a moving allowance based on the typical costs in the community of packing, moving, and unloading and reimburse the family for eligible out-of-pocket moving expenses up to the GRHC's established moving allowance; choose to complete the move, or make arrangements and pay for the move.

PART III: TRANSFERS REQUESTED BY TENANTS

12-III.A. OVERVIEW

This part describes types of transfers, eligibility requirements, creating a waiting list, prioritizing transfer requests, the unit offer policy, examples of good cause, deconcentration, transferring to another development, reexamination, and cost.

12-III.B. TYPES OF RESIDENT REQUESTED TRANSFERS

The types of requests for transfers that the GRHC will consider are limited to requests for transfers to alleviate a serious or life threatening medical condition, transfers due to a threat of physical harm or criminal activity, reasonable accommodation, transfers to a different unit size as long as the family qualifies for the unit according to the GRHC's occupancy standards, and transfers to a location closer to employment. No other transfer requests will be considered by the GRHC.

The GRHC will consider the following as high priority transfer requests:

- When a transfer is needed to alleviate verified medical problems of a serious or life-threatening nature.
- When there has been a verified threat of physical harm or criminal activity. Such circumstances may, at the GRHC's discretion, include an assessment by law enforcement indicating that a family member is the actual or potential victim of a criminal attack, retaliation for testimony, or a hate crime.
- When a family requests a transfer as a reasonable accommodation. Examples of a reasonable accommodation transfer include, but are not limited to, a transfer to a first-floor unit for a person with mobility impairment, or a transfer to a unit with accessible features.

The GRHC will consider the following as regular priority transfer requests:

- When the head of household or spouse is employed 25 miles or more from the public housing unit, has no reliable transportation, and public transportation is not adequate

Transfers requested by the tenant are considered optional for the tenant.

12-III.C. ELIGIBILITY FOR TRANSFER

Except where reasonable accommodation is being requested, the GRHC will only consider transfer requests from residents that meet the following requirements:

- Have not engaged in criminal activity that threatens the health and safety of residents and staff
- Owe no back rent or other charges, or have a pattern of late payment
- Have no housekeeping lease violations or history of damaging property
- Can get utilities turned on in the name of the head of household (applicable only to properties with tenant-paid utilities)
- A resident with housekeeping standards violations will not be transferred until the resident passes a follow-up housekeeping inspection.

Exceptions to the good record requirement may be made when it is to the GRHC's advantage to make the transfer. Exceptions will also be made when the GRHC determines that a transfer is necessary to protect the health or safety of a resident who is a victim of domestic violence, dating violence, sexual assault, or stalking and who provides documentation of abuse in accordance with section 16-VII.D of this ACOP. Tenants who are not in good standing may still request an emergency transfer under VAWA. If a family requested to be placed on the waiting list for a unit size smaller than designated by the occupancy guidelines, the family will not be eligible to transfer to a larger size unit for a period of two years from the date of admission, unless they have a change in family size or composition, or it is needed as a reasonable accommodation.

12-III.D. SECURITY DEPOSITS

When a family transfers from one unit to another, the GRHC will transfer their security deposit to the new unit. If the tenant moves into a unit that requires an increased security deposit, the tenant will be responsible for paying the difference. The tenant will be billed for any maintenance or other charges due for the “old” unit.

12-III.E. COST OF TRANSFER

The resident will bear all of the costs of tenant requested transfers. However, the GRHC will bear the transfer costs when the transfer is done as a reasonable accommodation.

12-III.F. HANDLING OF REQUESTS

Residents requesting transfer to another unit or development will be required to submit a written request for transfer. To request the emergency transfer under VAWA, the resident will be required to submit an emergency transfer request form (HUD-5383) (Exhibit 16-4 of this ACOP). The GRHC may, on a case-by-case basis, waive this requirement and accept a verbal request to expedite the transfer process. If the GRHC accepts an individual’s statement, the GRHC will document acceptance of the statement in the individual’s file in accordance with 16-VII.D. of this ACOP. Transfer requests under VAWA will be processed in accordance with the GRHC’s Emergency Transfer Plan (Exhibit 16-3). In case of a reasonable accommodation transfer, the GRHC will encourage the resident to make the request in writing using a reasonable accommodation request form. However, the GRHC will consider the transfer request any time the resident indicates that an accommodation is needed whether a formal written request is submitted. The GRHC will respond by approving the transfer and putting the family on the transfer list, by denying the transfer, or by requiring more information or documentation from the family, such as documentation of domestic violence, dating violence, sexual assault, or stalking in accordance with section 16-VII.D of this ACOP. If the family does not meet the “good record” requirements under Section 12-III.C, the manager will address the problem and, until resolved, the request for transfer will be denied. The GRHC will respond within 15 calendar days of the submission of the family’s request. If the GRHC denies the request for transfer, the family will be informed of its grievance rights.

PART IV: TRANSFER PROCESSING

12-IV.A. OVERVIEW

This part describes the transfer waitlist and offer policy, prioritizing transfer requests, the unit offer policy, examples of good cause, Deconcentration, transferring to another development and reexamination.

12-IV.B. TRANSFER LIST

The GRHC will maintain a transfer list by site and ensure that transfers are processed in the correct order and that procedures are uniform across all properties. Emergency transfers will not automatically go on the transfer list. Instead, emergency transfers will be handled immediately, on a case-by-case basis. If the emergency cannot be resolved by a temporary accommodation, and the resident requires a permanent transfer, the family will be placed at the top of the transfer list. Transfers will be processed in the following order on the waiting list:

1. Emergency transfers (hazardous maintenance conditions, VAWA)
2. High-priority transfers (verified medical condition, threat of harm or criminal activity, and reasonable accommodation)
3. Transfers to make accessible units available
4. Demolition, renovation, etc.
5. Occupancy standards
6. Other GRHC-required transfers
7. Other tenant-requested transfers

Within each category, transfers will be processed in order of the date a family was placed on the transfer list, starting with the earliest date. With the approval of the executive director, the GRHC may, on a case-by-case basis, transfer a family without regard to its placement on the transfer list in order to address the immediate need of a family in crisis. Demolition and renovation transfers will gain the highest priority as necessary to allow the GRHC to meet the demolition or renovation date. Transfers will take precedence over waiting list admissions.

12-IV.C. TRANSFER OFFER POLICY

Residents will receive one offer of a transfer, when good cause is established. When the transfer is required by the GRHC, the refusal of that offer without good cause will result in lease termination. When the transfer has been requested by the resident, the refusal of that offer without good cause will result in the removal of the family from the transfer list. In such cases, the family must wait six months to reapply for another transfer.

12-IV.D. GOOD CAUSE FOR UNIT REFUSAL

Examples of good cause for refusal of a unit offer include, but are not limited to, the following:

- The family demonstrates to the GRHC's satisfaction that accepting the unit offer will require an adult household member to quit a job, drop out of an educational institution or job training program, or take a child out of day care or an educational program for children with disabilities.
- The family demonstrates to the GRHC's satisfaction that accepting the offer will place a family member's life, health or safety in jeopardy. The family should offer specific and compelling documentation such as restraining orders, other court orders, risk assessments related to witness protection from a law enforcement agency, or documentation of domestic violence, dating violence, or stalking in accordance with section 16-VII.D of this ACOP.

Reasons offered must be specific to the family. Refusals due to location alone do not qualify for this good cause exemption.

- A health professional verifies temporary hospitalization or recovery from illness of the principal household member, other household members (as listed on final application) or live-in aide necessary to the care of the principal household member.
- The unit is inappropriate for the applicant's disabilities, or the family does not need the accessible features in the unit offered and does not want to be subject to a 30-day notice to move.
- The unit has lead-based paint and the family includes children under the age of six.

The GRHC will require documentation of good cause for unit refusals.

12-IV.E. DECONCENTRATION

In accordance with 24 CFR, Part 903, Subpart A, the Grand Rapids Housing Commission has no general occupancy (family) public housing developments covered by the deconcentration rule.

12-IV.F. REEXAMINATION POLICIES FOR TRANSFERS

The reexamination date will be changed to the first of the month in which the transfer took place.

Chapter 13

LEASE TERMINATIONS

INTRODUCTION

This chapter contains the GRHC's policies for voluntary and mandatory termination of tenancy. These policies are contained in four parts:

Part I: Termination by Tenant. This part discusses the GRHC requirements for voluntary termination of the lease by the family.

Part II: Termination by GRHC – Mandatory. This part describes circumstances when termination of the lease by the GRHC is mandatory. This part also explains nonrenewal of the lease for noncompliance with community service requirements.

Part III: Termination by GRHC – Other Authorized Reasons. This part describes the GRHC's options for lease termination that are not mandated by HUD regulation but for which HUD authorizes GRHCs to terminate. For some of these options HUD requires the GRHC to establish policies and lease provisions for termination, but termination is not mandatory. For other options the GRHC has full discretion whether to consider the options as just cause to terminate if the GRHC policies are reasonable, nondiscriminatory, and do not violate state or local landlord-tenant law. This part also discusses the alternatives that the GRHC may consider in lieu of termination, and the criteria the GRHC will use when deciding what actions to take.

Part IV: Notification Requirements. This part presents the federal requirements for disclosure of criminal records to the family prior to termination, the HUD requirements and GRHC policies regarding the timing and content of written notices for lease termination and eviction, and notification of the post office when eviction is due to criminal activity. This part also discusses record keeping related to lease termination

PART I: TERMINATION BY TENANT

13-I.A. OVERVIEW

This part discusses the GRHC requirements for voluntary termination of the lease by the family.

13-I.B. TENANT CHOOSES TO TERMINATE THE LEASE [24 CFR 966.4(k)(1)(ii) and 24 CFR 966.4(l)(1)]

The family may terminate the lease at any time, for any reason, by following the notification procedures as outlined in the lease. If a family desires to move and terminate their tenancy with the GRHC, they must give at least 30 calendar days advance written notice to the GRHC of their intent to vacate. When a family must give less than 30 days' notice due to circumstances beyond their control the GRHC, at its discretion, may waive the 30-day requirement. The notice of lease termination must be signed by the head of household, spouse, or cohead.

PART II: TERMINATION BY GRHC – MANDATORY

13-II.A. OVERVIEW

This part describes circumstances when termination of the lease by the GRHC is mandatory. This part also explains nonrenewal of the lease for noncompliance with community service requirements.

13-II.B. FAILURE TO PROVIDE CONSENT [24 CFR 960.259(a) and (b)]

The GRHC must terminate tenancy if any family member fails to sign and submit any consent form required for reexamination.

13-II.C. FAILURE TO DOCUMENT CITIZENSHIP [24 CFR 5.514(c) and (d) and 24 CFR 960.259(a)]

The GRHC must terminate tenancy if the family fails to submit required documentation concerning any family member's citizenship or eligible immigration status within required timeframes; USCIS primary and secondary verification does not verify eligible immigration status of the family, resulting in no eligible family members; or a family member, as determined by the GRHC, has knowingly permitted another individual who is not eligible for assistance to reside (on a permanent basis) in the unit.

13-II.D. FAILURE TO DISCLOSE AND DOCUMENT SOCIAL SECURITY NUMBERS [24 CFR 5.218(c), 24 CFR 960.259(a)(3), and Notice PIH 2018-24]

The GRHC must terminate assistance if a resident family fails to disclose the complete and accurate social security numbers of each household member and the documentation necessary to verify each social security number. However, if the family is otherwise eligible for continued program assistance, and the GRHC determines that the family's failure to meet the SSN disclosure and documentation requirements was due to circumstances that could not have been foreseen and were outside of the family's control, the GRHC may defer the family's termination and provide the opportunity to comply with the requirement within a period not to exceed 90 calendar days from the date the GRHC determined the family to be noncompliant. The GRHC will defer the family's termination and provide the family with the opportunity to comply with the requirement for a period of 90 calendar days for circumstances beyond the resident's control such as delayed processing of the SSN application by the SSA, natural disaster, fire, death in the family, or other emergency, if there is a reasonable likelihood that the participant will be able to disclose an SSN by the deadline.

13-II.E. FAILURE TO ACCEPT THE GRHC'S OFFER OF A LEASE REVISION [24 CFR 966.4(l)(2)(ii)(E)]

The GRHC must terminate the lease if the family fails to accept the GRHC's offer of a lease revision to an existing lease.

13-II.F. METHAMPHETAMINE CONVICTION [24 CFR 966.4(l)(5)(i)(A)]

The GRHC must immediately terminate the lease if the GRHC determines that any household member has ever been convicted of the manufacture or production of methamphetamine on the premises of federally assisted housing.

13-II.G. LIFETIME REGISTERED SEX OFFENDERS [Notice PIH 2012-28]

Should GRHC discover that a member of an assisted household was subject to a lifetime registration requirement at admission and was erroneously admitted after June 25, 2001, the GRHC must immediately terminate assistance for the household member. In this situation, the GRHC must offer the family the opportunity to remove the ineligible family member from the household. If the family is unwilling to remove that individual from the household, the GRHC must terminate assistance for the household.

13-II.H. NONCOMPLIANCE WITH COMMUNITY SERVICE REQUIREMENTS [24 CFR 966.4(l)(2)(ii)(D), 24 CFR 960.603(b) and 24 CFR 960.607(b)(2)(ii) and (c)]

The GRHC is prohibited from renewing the lease at the end of the 12-month lease term when the family fails to comply with the community service requirements as described in Chapter 11

13-II.I. DEATH OF A SOLE FAMILY MEMBER [Notice PIH 2012-4]

The GRHC will terminate the lease of a sole family household immediately upon notification of death of the resident.

PART III: TERMINATION BY GRHC – OTHER AUTHORIZED REASONS

13-III.A. OVERVIEW

This part describes the GRHC's options for lease termination that are not mandated by HUD regulation but for which HUD authorizes GRHCs to terminate. For some of these options HUD requires the GRHC to establish policies and lease provisions for termination, but termination is not mandatory. For other options the GRHC has full discretion whether to consider the options as just cause to terminate if the GRHC policies are reasonable, nondiscriminatory, and do not violate state or local landlord-tenant law. This part also discusses the alternatives that the GRHC may consider in lieu of termination, and the criteria the GRHC will use when deciding what actions to take.

13-III.B. MANDATORY LEASE PROVISIONS [24 CFR 966.4(l)(5)]

***Definitions* [24 CFR 5.100]**

Definitions can be found in the glossary at the end of this document.

Drug Crime On or Off the Premises [24 CFR 966.4(l)(5)(i)(B)]

The lease must provide that drug-related criminal activity engaged in on or off the premises by the tenant, member of the tenant's household or guest, or any such activity engaged in on the premises by any other person under the tenant's control is grounds for termination. The GRHC will terminate the lease for drug-related criminal activity engaged in on or off the premises by any tenant, member of the tenant's household or guest, and any such activity engaged in on the premises by any other person under the tenant's control.

Illegal Use of a Drug [24 CFR 966.4(l)(5)(i)(B)]

The lease must provide that the GRHC may evict a family when the GRHC determines that a household member is illegally using a drug or that a pattern of illegal use of a drug interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents. The GRHC will terminate the lease when the GRHC determines that a household member is illegally using a drug or the GRHC determines that a pattern of illegal use of a drug interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents. A pattern of illegal drug use means more than one incident of any use of illegal drugs during the previous three months.

Threat to Other Residents [24 CFR 966.4(l)(5)(ii)(A)]

The lease must provide that any criminal activity by a covered person that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents (including the GRHC management staff residing on the premises) or by persons residing in the immediate vicinity of the premises is grounds for termination of tenancy. The GRHC will terminate the lease when a covered person engages in any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents (including GRHC management staff residing on the premises) or by persons residing in the immediate vicinity of the premises. *Immediate vicinity* means within a three-block radius of the premises.

Alcohol Abuse [24 CFR 966.4(l)(5)(vi)(A)]

The GRHC must establish standards that allow termination of tenancy if the GRHC determines that a household member has engaged in abuse or pattern of abuse of alcohol that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents.

The GRHC will terminate the lease if the GRHC determines that a household member has engaged in abuse or a pattern of abuse of alcohol that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents. A pattern of such alcohol abuse means more than one incident of any such abuse of alcohol during the previous three months.

Furnishing False or Misleading Information Concerning Illegal Drug Use or Alcohol Abuse or Rehabilitation [24 CFR 966.4(l)(5)(vi)(B)]

The GRHC must establish standards that allow termination of tenancy if the GRHC determines that a household member has furnished false or misleading information concerning illegal drug use, alcohol abuse, or rehabilitation of illegal drug users or alcohol abusers. The GRHC will terminate the lease if the GRHC determines that a household member has furnished false or misleading information concerning illegal drug use, alcohol abuse, or rehabilitation of illegal drug users or alcohol abusers.

Other Serious or Repeated Violations of Material Terms of the Lease – Mandatory Lease Provisions [24 CFR 966.4(l)(2)(i) and 24 CFR 966.4(f)]

HUD regulations require certain tenant obligations to be incorporated into the lease. Violations of such regulatory obligations are serious or repeated violations, and grounds for termination. These violations can be divided into two categories:

Failure to make payments due under the lease

The GRHC will terminate the lease for the following violations of tenant obligations under the lease:

- Failure to make payments due under the lease, including nonpayment of rent (see Chapter 8 for details pertaining to lease requirements for payments due).
- Repeated late payment of rent or other charges. Four late payments within a 12-month period shall constitute a repeated late payment.

Failure to fulfill the following household obligations as specified in the regulations

The GRHC will terminate the lease for the following violations as specified in the regulations:

- Assigning the lease or to sublease the dwelling unit. Subleasing includes receiving payment to cover rent and utility costs by a person living in the unit who is not listed as a family member.
- Providing accommodation for boarders or lodgers.
- Not using the dwelling unit solely as a private dwelling for the tenant and the tenant's household as identified in the lease, and not to use or permit its use for any other purpose.
- Not abiding by necessary and reasonable regulations promulgated by the GRHC for the benefit and well-being of the housing project and the tenants which shall be posted in the project office and incorporated by reference in the lease.
- Failing to comply with all obligations imposed upon tenants by applicable provisions of building and housing codes materially affecting health and safety.
- Not keeping the dwelling unit and such other areas as may be assigned to the tenant for the tenant's exclusive use in a clean and safe condition.
- Not disposing of all ashes, garbage, rubbish, and other waste from the dwelling unit in a sanitary and safe manner.
- Not using only in a reasonable manner all electrical, plumbing, sanitary, heating, ventilating, air-conditioning and other facilities and appurtenances including elevators.

- Not refraining from, and to cause the household and guests to refrain from destroying, defacing, damaging, or removing any part of the dwelling unit or project.
- Not paying reasonable charges (other than for normal wear and tear) for the repair of damages to the dwelling unit, or to the project (including damages to project buildings, facilities or common areas) caused by the tenant, a member of the household or a guest.
- Not acting, and cause household members or guests to act, in a manner which will not disturb other residents' peaceful enjoyment of their accommodations and will be conducive to maintaining the project in a decent, safe and sanitary condition.

13-III.C. OTHER AUTHORIZED REASONS FOR TERMINATION [24 CFR 966.4(l)(2) and (5)(ii)(B)]

HUD authorizes the GRHC to terminate the lease for “other good cause”

Other Good Cause [24 CFR 966.4(l)(2)(ii)(B) and (C)]

The Violence against Women Reauthorization Act of 2013 explicitly prohibits GRHCs from considering incidents of actual or threatened domestic violence, dating violence, sexual assault, or stalking as “other good cause” for terminating the assistance, tenancy, or occupancy rights of the victim or threatened victim of such violence [24 CFR 5.2005(c)(1)]. The GRHC will terminate the lease for the following reasons.

- ***Persons subject to sex offender registration requirement.*** If any member of the household has, during their current public housing tenancy, become subject to a registration requirement under a state sex offender registration program.
 - Discovery of facts after admission to the program that would have made the tenant ineligible.
 - Discovery of materially false statements or fraud by the tenant in connection with an application for assistance or with a reexamination of income.
 - Failure to furnish such information and certifications regarding family composition and income necessary for the GRHC to make determinations with respect to rent, eligibility, and the appropriateness of the dwelling unit size.
 - Failure to transfer to an appropriate size dwelling unit based on family composition, upon appropriate notice by the GRHC that such a dwelling unit is available.
 - Failure to permit access to the unit by the GRHC after proper advance notification for the purpose of performing routine inspections and maintenance, for making improvements or repairs, or to show the dwelling unit for re-leasing, or without advance notice if there is reasonable cause to believe that an emergency exists.
 - Failure to promptly inform the GRHC of the birth, adoption, or court-awarded custody of a child. In such a case, promptly means within 15 calendar days of the event.
 - Failure to abide by the provisions of the GRHC pet policy.
 - If the family has breached the terms of a repayment agreement entered into

with the GRHC.

- If a family member has violated federal, state, or local law that imposes obligations in connection with the occupancy or use of the premises.
- If a household member has engaged in or threatened violent or abusive behavior toward GRHC personnel
 - *Abusive or violent behavior towards GRHC personnel* includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior.
- *Threatening* refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.
- Family Absence from Unit [24 CFR 982.551(i)] Absence in this context means that no member of the family is residing in the unit. The family must supply any information or certification requested by the GRHC to verify that the family is living in the unit, or relating to family absence from the unit, including any GRHC-requested information or certification on the purposes of family absences. The family must cooperate with the GRHC for this purpose. The family must promptly notify the GRHC when all family members will be absent from the unit for an extended period. An extended period is defined as any period greater than 30 calendar days. In such a case promptly means within 15 calendar days of the start of the extended absence. If a family is absent from the public housing unit for more than 180 consecutive days, and the family does not adequately verify that they are living in the unit, the GRHC will terminate the lease. *Abandonment of the unit.* If the family appears to have vacated the unit without giving proper notice, the GRHC will follow state and local landlord-tenant law pertaining to abandonment before taking possession of the unit. If necessary, the GRHC will secure the unit immediately to prevent vandalism and other criminal activity.

13-III.D. ALTERNATIVES TO TERMINATION OF TENANCY

Exclusion of Culpable Household Member [24 CFR 966.4(l)(5)(vii)(C)]

As an alternative to termination of the lease for criminal activity or alcohol abuse HUD provides that the GRHC may consider exclusion of the culpable household member. Such an alternative can be used for any other reason where such a solution appears viable in accordance with GRHC policy. As a condition of continued tenancy, the GRHC may require that any household member who participated in or was responsible for any offense no longer resides in the unit.

The GRHC will consider requiring the tenant to exclude a household member from continuing to reside in the assisted unit, where that household member has participated in or been culpable for action or failure to act that warrants termination.

As a condition of the family's continued occupancy, the head of household must certify that the culpable household member has vacated the unit and will not be permitted to stay as a guest in the assisted unit. The family must present evidence of the former household member's current address upon GRHC request.

Repayment of Family Debts

If a family owes amounts to the GRHC, as a condition of continued occupancy, the GRHC will require the family to repay the full amount or to enter into a repayment agreement, within 30 days of receiving notice from the GRHC of the amount owed. See Chapter 16 for policies on repayment

agreements.

13-III.E. CRITERIA FOR DECIDING TO TERMINATE TENANCY

Evidence [24 CFR 982.553(c)]

For criminal activity, HUD permits the GRHC to terminate the lease if a *preponderance of the evidence* indicates that a household member has engaged in the activity, regardless of whether the household member has been arrested or convicted, and without satisfying the standard of proof used for a criminal conviction. The GRHC will use the preponderance of the evidence as the standard for making all termination decisions. *Preponderance of the evidence* is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

Consideration of Circumstances [24 CFR 966.4(l)(5)(vii)(B)]

Although it is required that certain lease provisions exist for criminal activity and alcohol abuse, HUD provides that the GRHC may consider all circumstances relevant to a particular case in order to determine whether or not to terminate the lease. Such relevant circumstances can also be considered when terminating the lease for any other non-mandatory reason. The GRHC will consider the following facts and circumstances before deciding whether to terminate the lease for any of the HUD required lease provisions or for any other reasons:

- The seriousness of the offending action, especially with respect to how it would affect other residents' safety or property.
- The extent of participation or culpability of the leaseholder, or other household members, in the offending action, including whether the culpable member is a minor or a person with disabilities, or (as discussed further in section 13-III.F) a victim of domestic violence, dating violence, sexual assault, or stalking.
- The effects that the eviction will have on other family members who were not involved in the action or failure to act.
- The effect on the community of the termination, or of the GRHC's failure to terminate the tenancy.
- The effect of the GRHC's decision on the integrity of the public housing program.
- The demand for housing by eligible families who will adhere to lease responsibilities.
- The extent to which the leaseholder has shown personal responsibility and whether they have taken all reasonable steps to prevent or mitigate the offending action.
- The length of time since the violation occurred, including the age of the individual at the time of the conduct, as well as the family's recent history, and the likelihood of favorable conduct in the future.

While a record or records of arrest will not be used as the sole basis for termination, an arrest may, however, trigger an investigation to determine whether the participant actually engaged in disqualifying criminal activity. As part of its investigation, the GRHC may obtain the police report associated with the arrest and consider the reported circumstances of the arrest. The GRHC may also consider:

- Any statements made by witnesses, or the participant not included in the police report.
- Whether criminal charges were filed.
- Whether, if filed, criminal charges were abandoned, dismissed, not prosecuted, or ultimately resulted in an acquittal.

- Any other evidence relevant to determining whether or not the participant engaged in disqualifying activity.
- Evidence of criminal conduct will be considered if it indicates a demonstrable risk to safety and/or property.
- In the case of program abuse, the dollar amount of the underpaid rent and whether a false certification was signed by the family.

Consideration of Rehabilitation [24 CFR 966.4(l)(5)(vii)(D)]

HUD authorizes the GRHC to take into consideration whether a household member who had used illegal drugs or abused alcohol and is no longer engaging in such use or abuse is participating in or has successfully completed a supervised drug or alcohol rehabilitation program. In determining whether to terminate the lease for illegal drug use or a pattern of illegal drug use, or for abuse or a pattern of abuse of alcohol, by a household member who is no longer engaging in such use or abuse, the GRHC will consider whether such household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program or has otherwise been rehabilitated successfully. For this purpose, the GRHC will require the tenant to submit evidence of the household member's current participation in, or successful completion of, a supervised drug or alcohol rehabilitation program or evidence of otherwise having been rehabilitated successfully.

Reasonable Accommodation [24 CFR 966.7]

If the family includes a person with disabilities, the GRHC's decision to terminate the family's lease is subject to consideration of reasonable accommodation in accordance with 24 CFR Part 8. If a family indicates that the behavior of a family member with a disability is the reason for a proposed termination of lease, the GRHC will determine whether the behavior is related to the disability. If so, upon the family's request, the GRHC will determine whether alternative measures are appropriate as a reasonable accommodation. The GRHC will only consider accommodations that can reasonably be expected to address the behavior that is the basis of the proposed lease termination. See Chapter 2 for a discussion of reasonable accommodation.

Nondiscrimination Limitation [24 CFR 966.4(l)(5)(vii)(F)]

The GRHC's eviction actions will be consistent with fair housing and equal opportunity provisions of HUD's regulations.

13-III.F. TERMINATIONS RELATED TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING

VAWA Protections against Termination [24 CFR 5.2005(c)]

This section describes the two specific protections against termination that VAWA provides for victims of domestic violence, dating violence, sexual assault, or stalking.

Limits on VAWA Protections [24 CFR 5.2005(d) and (e); FR Notice 8/6/13]

In determining whether a public housing tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking is an actual and imminent threat to other tenants or those employed at or providing service to a property, the GRHC will consider the following, and any other relevant, factors:

- Whether the threat is toward an employee or tenant other than the victim of domestic violence, dating violence, sexual assault, or stalking.
- Whether the threat is a physical danger beyond a speculative threat.

- Whether the threat is likely to happen within an immediate time frame.
- Whether the threat to other tenants or employees can be eliminated in some other way, such as by helping the victim relocate to a confidential location, transferring the victim to another unit, or seeking a legal remedy to prevent the perpetrator from acting on the threat.

If the tenant wishes to contest the GRHC's determination that he or she is an actual and imminent threat to other tenants or employees, the tenant may do so as part of the grievance hearing or in a court proceeding.

Documentation of Abuse [24 CFR 5.2007]

When an individual facing termination of tenancy for reasons related to domestic violence, dating violence, sexual assault, or stalking claims protection under VAWA, the GRHC will request in writing that the individual provide documentation supporting the claim in accordance with the policies in section 16-VII.D of this ACOP. The GRHC reserves the right to waive the documentation requirement if it determines that a statement or other corroborating evidence from the individual will suffice. In such cases the GRHC will document the waiver in the individual's file.

Terminating or Evicting a Perpetrator of Domestic Violence

This section discusses the explicit authority that VAWA gives the GRHC to bifurcate a lease so that it can terminate or evict a perpetrator of domestic violence without terminating or evicting the victim. As the section points out, this authority supersedes any state or local law to the contrary. However, when exercising this authority, the GRHC must comply with all applicable local, state, and federal laws on eviction, termination of tenancy, and termination of assistance, as well as its own policies in these areas. Also, note that Notice PIH 2017-08 states that perpetrators should be given no more than 30 calendar days' notice of termination in most cases. For remaining family members, the GRHC must not initiate eviction procedures until 30 days after the least bifurcation. The GRHC will bifurcate a family's lease and terminate the tenancy of a family member if the GRHC determines that the family member has committed criminal acts of physical violence against other family members or others. This action will not affect the tenancy or program assistance of the remaining, nonculpable family members. In making its decision, the GRHC will consider all credible evidence, including, but not limited to, a signed certification (form HUD-5382) or other documentation of abuse submitted to the GRHC by the victim in accordance with this section and section 16-VII.D. The GRHC will also consider the factors in section 13.III.E. Upon such consideration, the GRHC may, on a case-by-case basis, choose not to bifurcate the lease and terminate the tenancy of the culpable family member. If the GRHC does bifurcate the lease and terminate the tenancy of the culpable family member, it will do so in accordance with the lease, applicable law, and the policies in this ACOP. If the person removed from the lease was the only tenant eligible to receive assistance, the GRHC must provide any remaining tenant a chance to establish eligibility for the unit. If the remaining tenant cannot do so, the GRHC must provide the tenant reasonable time to find new housing or to establish eligibility for another housing program covered by VAWA 2013.

PART IV: NOTIFICATION REQUIREMENTS, EVICTION PROCEDURES AND RECORD KEEPING

13-IV.A. OVERVIEW

This part presents the federal requirements for disclosure of criminal records to the family prior to termination, the HUD requirements and GRHC policies regarding the timing and content of written notices for lease termination and eviction, and notification of the post office when eviction is due to criminal activity. This part also discusses record keeping related to lease termination.

13-IV.B. CONDUCTING CRIMINAL RECORDS CHECKS [24 CFR 5.903(e)(1)(ii) and 24 CFR 960.259]

HUD authorizes the GRHC to conduct criminal records checks on public housing residents for lease enforcement and eviction. GRHC policy determines when the GRHC will conduct such checks. The GRHC will conduct criminal records checks when it has come to the attention of the GRHC, either from local law enforcement or by other means that an individual has engaged in the destruction of property, engaged in violent activity against another person, or has interfered with the right to peaceful enjoyment of the premises of other residents. Such checks will also include sex offender registration information. To obtain such information, all adult household members must sign consent forms for release of criminal conviction and sex offender registration records on an annual basis.

13-IV.C. DISCLOSURE OF CRIMINAL RECORDS TO FAMILY [24 CFR 5.903(f), 24 CFR 5.905(d) and 24 CFR 966.4(l)(5)(iv)]

In all cases where criminal record or sex offender registration information would result in lease enforcement or eviction, the GRHC will notify the household in writing of the proposed adverse action and will provide the subject of the record and the tenant a copy of such information, and an opportunity to dispute the accuracy and relevance of the information before an eviction or lease enforcement action is taken. The family will be given 15 calendar days from the date of the GRHC notice, to dispute the accuracy and relevance of the information. If the family does not contact the GRHC to dispute the information within that 15 calendar day period, the GRHC will proceed with the termination action. Should the tenant not exercise their right to dispute prior to any adverse action, the tenant still has the right to dispute in the grievance hearing or court trial.

13-IV.D. LEASE TERMINATION NOTICE [24 CFR 966.4(l)(3)]

Form, Delivery, and Content of the Notice

Notices of lease termination shall be in writing and delivered to the tenant or an adult member of the household or sent by first-class mail or posted on door and properly addressed to the tenant. If the GRHC offers remote hearings and the notice will state that the resident may request a remote hearing. The GRHC will attempt to deliver notices of lease termination directly to the tenant or an adult member of the household. If such an attempt fails, the notice will be sent by first-class mail the same day. All notices of lease termination will include a copy of the form HUD-5382 and HUD-5380 to accompany the termination notice. Any tenant who claims that the cause for termination involves domestic violence, dating violence, sexual assault, or stalking of which the tenant or affiliated individual of the tenant is the victim will be given the opportunity to provide documentation in accordance with the policies in sections 13-III.F and 16-VII.D.

Timing of the Notice [24 CFR 966.4(l)(3)(i)]

The GRHC will give written notice of seven (7) calendar days for nonpayment of rent. The GRHC will give written notice of seven (7) if any member of the household is engaging in drug-related or violent criminal activity. For all other lease terminations, the GRHC will give 35 calendar days' written notice.

Notice of Nonrenewal Due to Community Service Noncompliance [24 CFR 966.4(l)(2)(ii)(D), 24 CFR 960.603(b) and 24 CFR 960.607(b)]

If after receiving a notice of initial noncompliance the family does not request a grievance hearing or does not take corrective action required by the notice within the required timeframe, a termination notice will be issued in accordance with the policies above. If a family agreed to cure initial noncompliance by signing an agreement and is still in noncompliance after being provided the 12-month opportunity to cure, the family will be issued a notice of continued noncompliance. The notice of continued noncompliance will be sent in accordance with the policies in Section 11-I.E. and will also serve as the notice of termination of tenancy.

Notice of Termination Based on Citizenship Status [24 CFR 5.514 (c) and (d)]

The notice of denial or termination of assistance shall advise the family:

1. That financial assistance will be denied or terminated, and provide a brief explanation of the reasons for the proposed denial or termination of assistance;
2. That the family may be eligible for proration of assistance as provided under § 5.520;
3. In the case of a tenant, the criteria and procedures for obtaining relief under the provisions for preservation of families in §§ 5.514 and 5.518;
4. That the family has a right to request an appeal to the INS of the results of secondary verification of immigration status and to submit additional documentation or a written explanation in support of the appeal in accordance with the procedures of paragraph (e) of this section;
5. That the family has a right to request an informal hearing with the responsible entity either upon completion of the INS appeal or in lieu of the INS appeal as provided in paragraph (f) of this section;
6. For applicants, the notice shall advise that assistance may not be delayed until the conclusion of the INS appeal process, but assistance may be delayed during the pendency of the informal hearing process.

13-IV.E. EVICTION

Eviction notice means a notice to vacate, or a complaint or other initial pleading used under state or local law to commence an eviction action. The GRHC may only evict the tenant from the unit by instituting a court action, unless the law of the jurisdiction permits eviction by administrative action, after a due process administrative hearing, and without a court determination of the rights and liabilities of the parties. If the family voluntarily moves by the deadline in their lease termination notice, an eviction action is not necessary. When a family does not vacate the unit after receipt of a termination notice, by the deadline given in the notice, the GRHC will follow state and local landlord-tenant law in filing an eviction action with the local court that has jurisdiction in such cases. If the eviction action is finalized in court and the family remains in occupancy beyond the deadline to vacate given by the court, the GRHC will seek the assistance of the court to remove the family from the premises as per state and local law.

13-IV.F. RECORD KEEPING

A written record of every termination and/or eviction shall be maintained by the GRHC at the development where the family was residing, and shall contain the following information:

- Name of resident, number and identification of unit occupied.
- Date of the notice of lease termination and any other notices required by state or local law; these notices may be on the same form and will run concurrently.
- Specific reason(s) for the notices, citing the lease section or provision that was violated, and other facts pertinent to the issuing of the notices described in detail (other than any criminal history reports obtained solely through the authorization provided in 24 CFR 5.903 and 5.905)
- Date and method of notifying the resident.
- Summaries of any conferences held with the resident including dates, names of conference participants, and conclusions.

Chapter 14

GRIEVANCES AND APPEAL

INTRODUCTION

This chapter discusses complaints, grievances and appeals pertaining to GRHC actions or failures to act that adversely affect public housing applicants or residents. The policies are discussed in the following three parts:

Part I: Informal Hearings for Public Housing Applicants. This part outlines the requirements and procedures for informal hearings for public housing applicants.

Part II: Informal Hearings with Regard to Noncitizens. This part discusses informal hearings regarding citizenship status and where they differ from the requirements for general applicant and tenant grievances.

Part III: Grievance Procedures for Public Housing Residents. This part outlines the requirements and procedures for handling grievances for public housing residents.

Note that this chapter is not the GRHC's grievance procedure. The grievance procedure is a document separate from the ACOP. This chapter of the ACOP provides the policies that drive the grievance procedure. There is a fine line between policy (what the agency does) and procedure (how the policy is executed). In some decision points that line is not clear. In these cases the model ACOP provides greater detail and includes some procedure decisions.

PART I: INFORMAL HEARINGS FOR PUBLIC HOUSING APPLICANTS

14-I.A. OVERVIEW

This part outlines the requirements and procedures for informal hearings for public housing applicants.

14-I.B. INFORMAL HEARING PROCESS

Use of Informal Hearing Process

The GRHC will only offer informal hearings to applicants for the purpose of disputing denials of admission.

Notice of Denial [24 CFR 960.208(a)]

As applicable, the GRHC's notice of denial will include information about required or requested remote informal hearings.

Scheduling an Informal Hearing

A request for an informal hearing must be made in writing and delivered to the GRHC either in person or by first class mail, by the close of the business day, no later than 15 calendar days from the date of the GRHC's notification of denial of admission.

The GRHC will schedule and send written notice of the informal hearing within 15 calendar days of the family's request.

If the GRHC informal hearing will be conducted remotely, at the time the notice is sent to the family, the family will be informed:

Regarding the processes involved in a remote informal hearing.

That the GRHC will provide technical assistance prior to and during the informal hearing, if needed; and

That if the family or any individual witness has any technological, resource, or accessibility barriers preventing them from fully accessing the remote informal hearing, the family may inform the GRHC and the GRHC will assist the family in either resolving the issues or allow the family to participate in an in-person informal hearing, as appropriate.

Conducting an Informal Hearing [PH Occ GB, p. 58]

The informal hearing will be conducted by a person other than the one who made or approved the decision under review, or a subordinate of this person. The applicant will be provided with an opportunity to present written or oral objections to the decision of the GRHC. The person conducting the informal hearing will make a recommendation to the GRHC, but the GRHC is responsible for making the final decision as to whether admission should be granted or denied.

Remote Informal Hearings [Notice PIH 2020-32]

The GRHC has the sole discretion to require that informal hearings be conducted remotely in case of local, state, or national physical distancing orders, and in cases of inclement weather or natural disaster, and if administratively advantageous. In addition, the GRHC will conduct an informal hearing remotely upon request of the applicant as a reasonable accommodation for a person with a disability, if an applicant does not have child care or transportation that would enable them to attend the informal hearing, or if the applicant believes an in-person informal hearing would create an undue health risk. The GRHC will consider other reasonable requests for a remote informal hearing on a case-by-case basis.

Ensuring Accessibility for Persons with Disabilities and LEP Individuals

The GRHC will accept requests for reasonable accommodation for persons with disabilities and/or LEP individuals to ensure access to an informal hearing. This may include, remote informal hearing, offsite hearings, over the telephone, provide a translator or any accommodation without causing excessive administrative burden to the GRHC, to ensure all persons eligible, can exercise their right to an informal hearing.

Conducting Remote Informal Hearings [Notice PIH 2020-32]

The GRHC will conduct remote informal hearings via a video conferencing platform, when available. If, after attempting to resolve any barriers, applicants are unable to adequately access the video conferencing platform at any point, or upon applicant request, the informal hearing will be conducted by telephone conferencing call-in. If the family is unable to adequately access the telephone conferencing call-in at any point, the remote informal hearing will be postponed, and an in-person alternative will be provided promptly within a reasonable time. At least seven (7) calendar days prior to scheduling the remote hearing, the GRHC will provide the family with login information and/or conferencing call-in information and an electronic copy of all materials being presented via first class mail and/or email. The notice will advise the family of technological requirements for the hearing and request the family notify the GRHC of any known barriers. The GRHC will resolve any barriers using the guidance in Section 6 of Notice PIH 2020-32, including offering the family the opportunity to attend an in-person hearing. If the informal hearing is to be conducted remotely, the GRHC will require the family to provide any documents directly relevant to the informal hearing at least 24 hours before the scheduled hearing through the mail, via email, or text. The GRHC will scan and email copies of these documents to the GRHC representative and to the person conducting the informal hearing the same day. Documents will be shared electronically whenever possible. The GRHC will follow up the email with a phone call and/or email to the applicant at least one (1) business day prior to the remote informal hearing to ensure that the applicant received all information and is comfortable accessing the video conferencing or call-in platform. The GRHC will ensure that all electronic information stored or transmitted with respect to the informal hearing is secure, including protecting personally identifiable information (PII), and meets the requirements for accessibility for persons with disabilities and persons with LEP.

Informal Hearing Decision [PH Occ GB, p. 58]

The GRHC must notify the applicant of the GRHC's final decision, including a brief statement of the reasons for the final decision. The GRHC will notify the applicant of the GRHC's final decision, including a brief statement of the reasons for the final decision. In rendering a decision, the GRHC will evaluate the following matters:

- Whether or not the grounds for denial were stated factually in the notice
- The validity of grounds for denial of admission. If the grounds for denial are not specified in the regulations or in GRHC policy, then the decision to deny assistance will be overturned. See Chapter 3 for a detailed discussion of the grounds for applicant denial.
- The validity of the evidence. The GRHC will evaluate whether the facts presented prove the grounds for denial of admission. If the facts prove that there are grounds for denial, and the denial is required by HUD, the GRHC will uphold the decision to deny admission.
- If the facts prove the grounds for denial, and the denial is discretionary, the GRHC will consider the recommendation of the person conducting the informal hearing in making the final decision whether to deny admission.

The GRHC will notify the applicant of the final decision, including a statement explaining the reason(s) for the decision. The notice will be mailed, with return receipt requested, within 15 calendar days of the informal hearing, to the applicant and his or her representative, if any. If the informal hearing decision overturns the denial, processing for admission will resume. If the family fails to appear for their informal hearing, the denial of admission will stand, and the family will be so notified.

PART II: INFORMAL HEARINGS WITH REGARD TO NONCITIZENS

14-II.A. HEARING AND APPEAL PROVISIONS FOR NONCITIZENS [24 CFR 5.514]

Denial or termination of assistance based on immigration status is subject to special hearing and notice rules. These special hearings are referred to in the regulations as informal hearings, but the requirements for such hearings are different from the informal hearings used to deny applicants for reasons other than immigration status.

Notice of Denial or Termination of Assistance [24 CFR 5.514(d)]

The notice of denial or termination of assistance shall advise the family:

1. That financial assistance will be denied or terminated, and provide a brief explanation of the reasons for the proposed denial or termination of assistance;
2. That the family may be eligible for proration of assistance as provided under § 5.520
3. In the case of a tenant, the criteria and procedures for obtaining relief under the provisions for preservation of families in §§ 5.514 and 5.518;
4. That the family has a right to request an appeal to the INS of the results of secondary verification of immigration status and to submit additional documentation or a written explanation in support of the appeal
5. That the family has a right to request an informal hearing with the responsible entity either upon completion of the INS appeal or in lieu of the INS appeal as provided in paragraph (f) of this section.
6. For applicants, the notice shall advise that assistance may not be delayed until the conclusion of the INS appeal process, but assistance may be delayed during the pendency of the informal hearing process.

United States Citizenship and Immigration Services Appeal Process [24 CFR 5.514(e)]

When the GRHC receives notification that the United States Citizenship and Immigration Services (USCIS) secondary verification failed to confirm eligible immigration status of an applicant or tenant, the GRHC must notify the family of the results, and the family has 30 calendar days from the date of the notification to make an appeal to the USCIS of the verification results. The GRHC will notify the family in writing of the results of the USCIS secondary verification within 15 calendar days of receiving the results. The family must provide the GRHC with a copy of the written request for appeal and proof of mailing within 15 calendar days of sending the request to the USCIS. The GRHC will send written notice to the family of its right to request an informal hearing within 15 calendar days of receiving notice of the USCIS decision regarding the family's immigration status.

Informal Hearing Procedures for Applicants [24 CFR 5.514(f)]

The informal hearing procedures for applicants are discussed in this section.

Informal Hearing Officer

The GRHC must provide an informal hearing before an impartial individual, other than a person who made or approved the decision under review, and other than a person who is a subordinate of the person who made or approved the decision.

Evidence

The family will be allowed to copy any documents related to the hearing at no cost to the family.

The family must request discovery of GRHC documents no later than 12:00 p.m. on the business day prior to the hearing.

Representation and Interpretive Services

At its own expense, the family may be represented by a lawyer or other representative at the informal hearing. The GRHC will provide interpretation services through a third-party.

Recording of the Hearing

The GRHC will not provide a transcript of an audio taped hearing.

Hearing Decision

The GRHC must provide the family with a written notice of the final decision, based solely on the facts presented at the hearing, within 14 calendar days of the date of the informal hearing. The notice must state the basis for the decision.

Retention of Documents [24 CFR 5.514(h)]

The GRHC must retain for a minimum of 5 years specific documents that were submitted to the GRHC by the family or provided to the GRHC as part of the USCIS appeal or the GRHC informal hearing process.

PART III: GRIEVANCE PROCEDURES FOR PUBLIC HOUSING RESIDENTS

14-III.A. OVERVIEW

This part outlines the requirements and procedures for handling grievances for public housing residents.

14-III.A. REQUIREMENTS [24 CFR 966.52]

The GRHC grievance procedure will be included in the tenant lease as an addendum. Residents and resident organizations will have 30 calendar days from the date they are notified by the GRHC of any proposed changes in the GRHC grievance procedure, to submit written comments to the GRHC.

14-III.B. DEFINITIONS [24 CFR 966.53 and 24 CFR 966.51(a)(2)(i)]

A glossary of terminology is provided at the end of this document.

14-III.C. APPLICABILITY [24 CFR 966.51]

At the time of this publication, almost all states, except for Florida, are currently due process states. In due-process states, if eviction is for a criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises of other residents or employees of the GRHC, or for a drug-related criminal activity on or off the premises, the GRHC is not required to offer a grievance hearing. The GRHC is in a HUD-declared due process state. Therefore, the GRHC will not offer grievance hearings for lease terminations involving criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises of other residents or employees of the GRHC, for violent or drug-related criminal activity on or off the premises, or for any criminal activity that resulted in felony conviction of a household member.

14-III.D. INFORMAL SETTLEMENT OF GRIEVANCE [24 CFR 966.54]

HUD regulations state that any grievance must be personally presented, either orally or in writing, to the GRHC office or to the office of the housing development in which the complainant resides so that the grievance may be discussed informally and settled without a hearing. The GRHC will accept requests for an informal settlement of a grievance either orally or in writing (including emailed requests) to the GRHC office within 15 calendar days of the grievable event. Within 15 calendar days of receipt of the request the GRHC will arrange a meeting with the tenant at a mutually agreeable time and confirm such a meeting in writing to the tenant. The informal settlement may be conducted remotely as required by the GRHC or may be conducted remotely upon consideration of the request of the tenant. If a tenant fails to attend the scheduled meeting without prior notice, the GRHC will reschedule the appointment only if the tenant can show good cause for failing to appear, or if it is needed as a reasonable accommodation for a person with disabilities. Good cause is defined as an unavoidable conflict which seriously affects the health, safety, or welfare of the family. The GRHC will prepare a summary of the informal settlement within seven (7) calendar days; one copy to be given to the tenant and one copy to be retained in the GRHC's tenant file.

14-III.E. PROCEDURES TO OBTAIN A HEARING

Requests for Hearing and Failure to Request

The resident must submit a written request (including emailed requests) for a grievance hearing to the GRHC within seven (7) calendar days of the tenant's receipt of the summary of the informal

settlement. If the complainant does not request a hearing, the GRHC's disposition of the grievance under the informal settlement process will become final. However, failure to request a hearing does not constitute a waiver by the complainant of the right to contest the GRHC's action in disposing of the complaint in an appropriate judicial proceeding.

Scheduling of Hearings [24 CFR 966.56(a)]

If the complainant has complied with all requirements for requesting a hearing as described above, a hearing must be scheduled by the hearing officer promptly for a time and place reasonably convenient to both the complainant and the GRHC. A written notification specifying the time, place and the procedures governing the hearing must be delivered to the complainant and the appropriate GRHC official. Within 15 calendar days of receiving a written request for a hearing, the hearing officer will schedule and send written notice of the hearing to both the complainant and the GRHC. If the GRHC hearing will be conducted remotely, at the time the notice is sent to the family, the family will be notified:

- Regarding the processes involved in a remote grievance hearing.
- That the GRHC will provide technical assistance prior to and during the hearing, if needed;
- That if the family or any individual witness has any technological, resource, or accessibility barriers, the family may inform the GRHC and the GRHC will assist the family in either resolving the issue or allow the family to participate in an in-person hearing, as appropriate.
- The tenant may request to reschedule a hearing for good cause, or if it is needed as a reasonable accommodation for a person with disabilities. Good cause is defined as an unavoidable conflict which seriously affects the health, safety, or welfare of the family. Requests to reschedule a hearing must be made orally or in writing prior to the hearing date. At its discretion, the GRHC may request documentation of the "good cause" prior to rescheduling the hearing.

Expedited Grievance Procedure [24 CFR 966.52(a)]

The GRHC will not offer expedited grievance procedures.

14-III.F. SELECTION OF HEARING OFFICER [24 CFR 966.53(e)]

The grievance hearing must be conducted by an impartial person or persons appointed by the GRHC, other than the person who made or approved the GRHC action under review, or a subordinate of such person. GRHC grievance hearings will be conducted by a single hearing officer. The GRHC will appoint a staff member who was not involved in the decision under appeal. If a designated staff member (such as the program manager) was involved in the decision, or is a subordinate of such person, an alternate hearing officer will be selected.

14-III.G. REMOTE HEARINGS [Notice PIH 2020-32]

The GRHC has the sole discretion to require that hearings be conducted remotely in case of local, state, or national physical distancing orders, and in cases of inclement weather or natural disaster or administrative efficiency. In addition, the GRHC will conduct a hearing remotely upon request as a reasonable accommodation for a person with a disability, or if a tenant does not have childcare or transportation that would enable them to attend the hearing, or if the tenant believes an in-person hearing would create an undue health risk. The GRHC will consider other reasonable requests for a remote hearing on a case-by-case basis.

Discovery of Documents Before the Remote Hearing

If the hearing is conducted remotely, the GRHC will compile a hearing packet, consisting of all documents the GRHC intends to produce at the hearing. The GRHC will mail copies of the hearing packet to the tenant, the tenant's representatives, if any, and the hearing officer prior to the scheduled remote hearing. The original hearing packet will be in the possession of the GRHC representative and retained by the GRHC. If the hearing is to be conducted remotely, the GRHC will require the resident to provide any documents directly relevant to the hearing at least 24 hours before the scheduled hearing through the mail, via email, or text. The GRHC will scan and email copies of these documents to the hearing officer and the GRHC representative prior to the hearing. Documents will be shared electronically whenever possible.

Conducting Hearings Remotely

The GRHC will conduct remote grievance hearings via a video conferencing platform, when available. If, after attempting to resolve any barriers, participants are unable to adequately access the video conferencing platform at any point, or upon request, the grievance hearing will be conducted by telephone conferencing call-in. If the family is unable to adequately access the telephone conferencing call-in at any point, the remote grievance hearing will be postponed, and an in-person alternative will be provided promptly within a reasonable time. At least seven (7) calendar days prior to scheduling the remote hearing, the GRHC will provide the family with login information and/or conferencing call-in information and an electronic copy of all materials being presented via first class mail and/or email. The notice will advise the family of technological requirements for the hearing and request the family notify the GRHC of any known barriers. The GRHC will resolve any barriers using the guidance in Section 6 of Notice PIH 2020-32, including offering the family the opportunity to attend an in-person hearing. The GRHC will follow up with a phone call and/or email to the family at least one business day prior to the remote grievance hearing to ensure that the family received all information and is comfortable accessing the video conferencing or call-in platform. The GRHC will ensure that all electronic information stored or transmitted with respect to the grievance hearing is secure, including protecting personally identifiable information (PII), and meets the requirements for accessibility for persons with disabilities and persons with LEP.

14-III.H. PROCEDURES GOVERNING THE HEARING [24 CFR 966.56]

Rights of Complainant [24 CFR 966.56(b)]

HUD regulations provide the tenant the right to examine GRHC documents prior to the hearing. The tenant will be allowed to copy any documents related to the hearing at no cost to the family. There will be no charge for documents emailed by the GRHC. The family must request discovery of GRHC documents no later than the business day prior to the hearing. The regulations provide the tenant with the right to be represented by counsel or another person of the tenant's choosing. Hearings may be attended by the following applicable persons:

- The GRHC representatives and any witnesses for the GRHC.
- The tenant and any witnesses for the tenant
- The tenant's counsel or other representative
- Any other person approved by the GRHC as a reasonable accommodation for a person with a disability.

Failure to Appear [24 CFR 966.56(c)]

If the tenant does not appear at the scheduled time of the hearing, the hearing officer will wait up

to 30 minutes. If the tenant appears within 30 minutes of the scheduled time, the hearing will be held. If the tenant does not arrive within 30 minutes of the scheduled time, they will be considered to have failed to appear. If the tenant fails to appear and was unable to reschedule the hearing in advance, the tenant must contact the GRHC within 24 hours of the scheduled hearing date, excluding weekends and holidays. The hearing officer will reschedule the hearing only if the tenant can show good cause for the failure to appear, or it is needed as a reasonable accommodation for a person with disabilities. "Good cause" is defined as an unavoidable conflict which seriously affects the health, safety, or welfare of the family.

General Procederes [24 CFR 966.56(d), 966.56(e)]

The GRHC and the tenant must be given the opportunity to present evidence and question any witnesses. In general, all evidence is admissible at a grievance hearing. Any evidence to be considered by the hearing officer must be presented no later than at the time of the hearing. There are four categories of evidence.

- **Oral evidence:** the testimony of witnesses
- **Documentary evidence:** a writing which is relevant to the case, for example, a letter written to the GRHC. Writings include all forms of recorded communication or representation, including letters, emails, words, pictures, sounds, videotapes or symbols or combinations thereof.
- **Demonstrative evidence:** Evidence created specifically for the hearing and presented as an illustrative aid to assist the hearing officer, such as a model, a chart or other diagram.
- **Real evidence:** A tangible item relating directly to the case.

Hearsay Evidence is evidence based not on a witness' personal knowledge. In and of itself, hearsay evidence carries no weight when making a finding of fact. The hearing officer may include hearsay evidence when considering their decision if it is corroborated by other evidence. Even though hearsay evidence is generally admissible in a hearing, the hearing officer will not base a hearing decision on hearsay alone unless there is clear probative value and credibility of the evidence, and the party seeking the change has met the burden of proof. If the GRHC fails to comply with the discovery requirements (providing the tenant with the opportunity to examine GRHC documents prior to the grievance hearing), the hearing officer will refuse to admit such evidence. Other than the failure of the GRHC to comply with discovery requirements, the hearing officer has the authority to overrule any objections to evidence. If the complainant would like the GRHC to record the proceedings by audiotape, the request must be made to the GRHC a day prior to the hearing. The audio tape recording of the proceedings is a transcript.

14-III.I. DECISION OF THE HEARING OFFICER [24 CFR 966.57]

The hearing officer must prepare a written decision, together with the reasons therefore, within a reasonable time after the hearing.

In rendering a decision, the hearing officer will consider the following matters:

- **PHA Notice to the Family:** The hearing officer will determine if the reasons for the GRHC's decision are factually stated in the notice.
- **Discovery:** The hearing officer will determine if the family was given the opportunity to examine any relevant documents in accordance with GRHC policy.
- **PHA Evidence to Support the GRHC Decision:** The evidence consists of the facts presented. Evidence is not conclusion, and it is not argument. The hearing officer will evaluate the facts to determine if they support the GRHC's conclusion.

- **Validity of Grounds for Termination of Tenancy (when applicable):** The hearing officer will determine if the termination of tenancy is for one of the grounds specified in the HUD regulations and GRHC policies. If the grounds for termination are not specified in the regulations or in compliance with GRHC policies, then the decision of the GRHC will be overturned.
- The hearing officer will issue a written decision to the family and the GRHC no later than 15 calendar days after the hearing. The report will contain the following information:

Hearing information:

- Name of the complainant
- Date, time and place of the hearing
- Name of the hearing officer
- Name of the GRHC representatives
- Name of family representative (if any)
- Names of witnesses (if any)
- **Background:** A brief, impartial statement of the reason for the hearing and the date(s) on which the informal settlement was held, who held it, and a summary of the results of the informal settlement. Also includes the date the complainant requested the grievance hearing.
- **Summary of the Evidence:** The hearing officer will summarize the testimony of each witness and identify any documents that a witness produced in support of his/her testimony and that are admitted into evidence.
- **Findings of Fact:** The hearing officer will include all findings of fact, based on a preponderance of the evidence. *Preponderance of the evidence* is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which shows that the fact sought to be proved is more probable than not. Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.
- **Conclusions:** The hearing officer will render a conclusion derived from the facts that were found to be true by a preponderance of the evidence. The conclusion will result in a determination of whether these facts uphold the GRHC's decision.
- **Order:** The hearing report will include a statement of whether the GRHC's decision is upheld or overturned. If it is overturned, the hearing officer will instruct the GRHC to change the decision in accordance with the hearing officer's determination. In the case of termination of tenancy, the hearing officer will instruct the GRHC to restore the family's status.

Procedures for Further Hearing

The hearing officer may ask the family for additional information and/or might adjourn the hearing to reconvene at a later date, before reaching a decision. If the family misses an appointment or deadline ordered by the hearing officer, the action of the GRHC will take effect and another hearing will not be granted.

Final Decision [24 CFR 966.57(b)]

When the GRHC considers the decision of the hearing officer to be invalid, it will present the matter to the GRHC Board of Commissioners within 15 calendar days of the date of the hearing

officer's decision. The Board has 30 calendar days to consider the decision. If the Board decides to reverse the hearing officer's decision, it must notify the complainant within 15 calendar days of this decision.

Chapter 15

PROGRAM INTEGRITY

INTRODUCTION

This chapter covers HUD and GRHC policies designed to prevent, detect, investigate and resolve instances of unintentional errors and intentional program abuse.

Part I: Preventing, Detecting, and Investigating Errors and Program Abuse. This part presents GRHC policies related to preventing, detecting, and investigating errors and program abuse.

Part II: Corrective Measures and Penalties. This part describes the corrective measures the GRHC must and may take when errors or program abuses are found.

PART I. PREVENTING, DETECTING, AND INVESTIGATING ERRORS AND PROGRAM ABUSE

15-I.A. PREVENTING ERRORS AND PROGRAM ABUSE

This section describes the methods the GRHC will use to prevent errors and program abuse. The GRHC anticipates that most families and GRHC employees intend to and will comply with program requirements and make reasonable efforts to avoid errors. For the purposes of this chapter the term *error* refers to an unintentional error or omission. *Program abuse or fraud* refers to a single act or pattern of actions that constitutes a false statement, omission, or concealment of a substantial fact, made with the intent to deceive, or mislead. To ensure that the GRHC's public housing program is administered effectively and according to the highest ethical and legal standards, the GRHC will employ a variety of techniques to ensure that both errors and intentional program abuse are rare, including:

- The GRHC will provide each applicant and resident with a copy of "Is Fraud Worth It?" (form HUD-1141-OIG), which explains the types of actions a family must avoid and the penalties for program abuse.
- The GRHC will provide each applicant and resident with a copy of "What You Should Know about EIV," a guide to the Enterprise Income Verification (EIV) system published by HUD as an attachment to Notice PIH 2017-12. In addition, the GRHC will require the head of each household to acknowledge receipt of the guide by signing a copy for retention in the family file.
- The GRHC will require mandatory orientation sessions for all prospective residents either prior to or upon execution of the lease. The GRHC will discuss program compliance and integrity issues. At the conclusion of all program orientation sessions, the family representative will be required to sign a program briefing certificate to confirm that all rules and pertinent regulations were explained to them.
- The GRHC will routinely provide resident counseling as part of every reexamination interview in order to clarify any confusion pertaining to program rules and requirements.
- PHA staff will be required to review and explain the contents of all HUD- and GRHC-required forms prior to requesting family member signatures.
- The GRHC will place a warning statement about the penalties for fraud (as described in 18 U.S.C. 1001 and 1010) on key GRHC forms and form letters that request information from a family member.
- The GRHC will provide each GRHC employee with the necessary training on program rules and the organization's standards of conduct and ethics.
- At each regular reexamination the GRHC staff will explain any changes in HUD regulations or GRHC policy that affect residents.

15-I.B. DETECTING ERRORS AND PROGRAM ABUSE

In addition to taking steps to prevent errors and program abuse, the GRHC will use a variety of activities to detect errors and program abuse.

Quality Control and Analysis of Data

The GRHC will employ a variety of methods to detect errors and program abuse, including:

The GRHC routinely will use EIV and other non-HUD sources of up- front income verification. This includes the Work Number and any other private or public databases available to the GRHC. At each annual reexamination, current information provided by the family will be compared to

information provided at the last annual reexamination to identify inconsistencies and incomplete information. The GRHC will compare family-reported income and expenditures to detect possible unreported income.

Independent Audits and HUD Monitoring

The GRHC will use the results reported in any IPA or HUD monitoring reports to identify potential program abuses as well as to assess the effectiveness of the GRHC's error detection and abuse prevention efforts.

Individual Reporting of Possible Errors and Program Abuse

The GRHC will encourage staff, residents, and the public to report possible errors and program abuse.

15-I.C. INVESTIGATING ERRORS AND PROGRAM ABUSE

The GRHC will review all referrals, specific allegations, complaints, and tips from any source including other agencies, companies, and individuals, to determine if they warrant investigation. In order for the GRHC to investigate, the allegation must contain at least one independently verifiable item of information, such as the name of an employer or the name of an unauthorized household member. The GRHC will investigate when inconsistent or contradictory information is detected through file reviews and the verification process.

Consent to Release of Information

The GRHC may investigate possible instances of error or abuse using all available GRHC and public records. If necessary, the GRHC may require families to sign consent forms for the release of additional information.

Analysis and Findings

The GRHC will base its evaluation on a preponderance of the evidence collected during its investigation. *Preponderance of the evidence* is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence that as a whole shows that the fact sought to be proved is more probable than not. Preponderance of evidence may not be determined by the number of witnesses, but by the greater weight of all evidence. For each investigation the GRHC will determine (1) whether an error or program abuse has occurred, (2) whether any amount of money is owed the GRHC, and (3) what corrective measures or penalties will be assessed.

Consideration of Remedies

In the case of family-caused errors or program abuse, the GRHC will take into consideration (1) the seriousness of the offense and the extent of participation or culpability of individual family members, (2) any special circumstances surrounding the case, (3) any mitigating circumstances related to the disability of a family member, (4) the effects of a particular remedy on family members who were not involved in the offense.

Notice and Appeals

The GRHC will inform the relevant party in writing of its findings and remedies within 15 calendar days of the conclusion of the investigation. The notice will include (1) a description of the error or program abuse, (2) the basis on which the GRHC determined the error or program abuses, (3) the

remedies to be employed, and (4) the family's right to appeal the results through an informal hearing or grievance hearing (see Chapter 14).

PART II. CORRECTIVE MEASURES AND PENALTIES

15-II.A. UNDER- OR OVERPAYMENTS

An under- or overpayment includes an incorrect tenant rent payment by the family, or an incorrect utility reimbursement to a family.

Corrections

Whether it is overpayment or underpayment, the GRHC must promptly implement the correct the tenant rent and any utility reimbursement. Increases in the tenant rent will be implemented on the first of the month following a written 30-day notice. Any decreases in tenant rent will become effective the first of the month following the discovery of the error.

Reimbursement

Whether the family is required to reimburse the GRHC or the GRHC is required to reimburse the family depends upon which party is responsible for the incorrect payment and whether the action taken was an error or intentional program abuse. Policies regarding reimbursement are discussed in the three sections that follow.

15-II.B. FAMILY-CAUSED ERRORS AND PROGRAM ABUSE

An incorrect rent determination caused by a family generally would be the result of incorrect reporting of family composition, income, assets, or expenses, but also would include instances in which the family knowingly allows the GRHC to use incorrect information provided by a third party.

Family Reimbursement to GRHC

In the case of family-caused errors or program abuse, the family will be required to repay any amounts of rent underpaid. The GRHC may, but is not required to, offer the family a repayment agreement in accordance with Chapter 16. If the family fails to repay the amount owed, the GRHC will terminate the family's lease in accordance with the policies in Chapter 13.

PHA Reimbursement to Family

The GRHC will not reimburse the family for any overpayment of rent when the overpayment clearly is caused by the family.

Prohibited Actions

An applicant or resident in the public housing program must not knowingly:

- Make a false statement to the GRHC [Title 18 U.S.C. Section 1001].
- Provide incomplete or false information to the GRHC [24 CFR 960.259(a)(4)].
- Commit fraud or make false statements in connection with an application for assistance or with reexamination of income [24 CFR 966.4(l)(2)(iii)©]
- Any of the following will be considered evidence of family program abuse:
 - Offering bribes or illegal gratuities to the GRHC Board of Commissioners, employees, contractors, or other GRHC representatives
 - Offering payments or other incentives to a third party as an inducement for the third party to make false or misleading statements to the GRHC on the family's behalf.
 - Use of a false name or the use of falsified, forged, or altered documents.
 - Intentional misreporting of family information or circumstances (e.g., misreporting

- of income or family composition)
- Omitted facts that were obviously known by a family member (e.g., not reporting employment income)
- Admission of program abuse by an adult family member

The GRHC may determine other actions to be program abuse based upon a preponderance of the evidence, as defined earlier in this chapter.

Penalties for Program Abuse

The GRHC will pursue remedies, up to terminations, for any activities verified to be in violation/or an abuse of the LIPH program.

15-II.C. GRHC-CAUSED ERRORS OR PROGRAM ABUSE

This section addresses actions of a GRHC staff member that are considered errors or program abuse related to the public housing program. Additional standards of conduct may be provided in the GRHC personnel policy. GRHC-caused incorrect subsidy determinations include (1) failing to correctly apply public housing rules regarding family composition, income, assets, and expenses, and (2) errors in calculation.

Repayment to the GRHC

The family is not required to repay an underpayment of rent if the error or program abuse is caused by GRHC staff.

PHA Reimbursement to Family

The GRHC will reimburse a family for any overpayment of rent, regardless of whether the overpayment was the result of staff-caused error or staff program abuse.

Prohibited Activities

Any of the following will be considered evidence of program abuse by GRHC staff:

- Failing to comply with any public housing program requirements for personal gain.
- Failing to comply with any public housing program requirements as a result of a conflict-of-interest relationship with any applicant or resident.
- Seeking or accepting anything of material value from applicants, residents, vendors, contractors, or other persons who provide services or materials to the GRHC.
- Disclosing confidential or proprietary information to outside parties
- Gaining profit as a result of insider knowledge of GRHC activities, policies, or practices
- Misappropriating or misusing public housing funds
- Destroying, concealing, removing, or inappropriately using any records related to the public housing program.
- Committing any other corrupt or criminal act in connection with any federal housing program
- Committing sexual harassment or other harassment based on race, color, religion, national origin, familial status, disability, sexual orientation, or gender identity, either quid pro quo (supervisory harassment) or hostile environment
- Allowing sexual harassment or other harassment based on race, color, religion, national origin, familial status, disability, sexual orientation, or gender identity, either quid pro quo (supervisory harassment) or hostile environment, where the GRHC knew or should have known such harassment was occurring.

- Retaliating against any applicant, resident, or staff reporting sexual harassment or other harassment based on race, color, religion, national origin, familial status, disability, sexual orientation, or gender identity, either quid pro quo (supervisory harassment) or hostile environment

15-II.D. CRIMINAL PROSECUTION

When the GRHC determines that program abuse by a family or GRHC staff member has occurred and the amount of underpaid rent meets or exceeds the threshold for prosecution under local or state law, the GRHC will refer the matter to the appropriate entity for prosecution. When the amount of underpaid rent meets or exceeds the federal threshold, the case will also be referred to the HUD Office of Inspector General (OIG).

Other criminal violations related to the public housing program will be referred to the appropriate local, state, or federal entity.

15-II.E. FRAUD AND PROGRAM ABUSE RECOVERIES

PHAs who enter into a repayment agreement with a family to collect rent owed, initiate litigation against the family to recover rent owed, or begin eviction proceedings against a family may retain 100 percent of program funds that the GRHC recovers [Notice PIH 2007-27 (HA)].

Chapter 16

PROGRAM ADMINISTRATION

INTRODUCTION

This chapter discusses administrative policies and practices that are relevant to the activities covered in this ACOP. The policies are discussed in seven parts as described below:

Part I: Setting Utility Allowances. This part describes how utility allowances are established and revised. Also discussed are the requirements to establish surcharges for excess consumption of GRHC-furnished utilities.

Part II: Establishing Flat Rents. This part describes the requirements and policies related to establishing and updating flat rent amounts.

Part III: Repayment of Family Debts. This part contains policies for recovery of monies that have been underpaid by families and describes the circumstances under which the GRHC will offer repayment agreements to families. Also discussed are the consequences of failure to make payments in accordance with a repayment agreement.

Part IV: Public Housing Assessment System (PHAS). This part describes the GRHCS indicators, how GRHCs are scored under GRHCS, and how those scores affect a GRHC.

Part V: Record Keeping. All aspects of the program involve certain types of record-keeping. This part outlines the privacy rights of applicants and participants and record retention policies the GRHC will follow.

Part VI: Reporting and Record Keeping for Children with Elevated Blood Lead Level. This part describes the GRHC's reporting responsibilities related to children with elevated blood lead levels that are living in public housing.

Part VII: Violence against Women Act (VAWA): Notification, Documentation, and Confidentiality. This part contains key terms used in VAWA and describes requirements related to notifying families about their rights and responsibilities under VAWA; requesting documentation from victims of domestic violence, dating violence, sexual assault, and stalking; and maintaining the confidentiality of information obtained from victims.

Part VIII: Over Income Families. This part contains updated language required by the Housing Opportunity Through Modernization Act's (HOTMA) under Public Housing Income Limit

PART I: SETTING UTILITY ALLOWANCES [24 CFR 965 Subpart E]

16-I.A. OVERVIEW

The GRHC covers the cost of utilities to its LIPH residents, other than at its Scattered Sites locations. The GRHC will utilize the utility allowance established for the HCV program for these units.

16-I.B UTILITY ALLOWANCES

Utility Allowance Revisions [24 CFR 965.507]

The GRHC will review its schedule of utility allowances each year and must revise the schedule if there has been a change of 10 percent or more in any utility rate since the last time the allowance for that utility was revised. The GRHC will maintain information supporting its annual review of utility allowance and any revisions made in its utility allowance schedule.

16-I.C. SURCHARGES FOR GRHC-FURNISHED UTILITIES [24 CFR 965.506]

GRHC does not have surcharges GRHC-furnished utilities at Adams. However, the GRHC does charge a fee for resident supplied air conditioning units. The GRHC will determine this fee on an annual basis.

16-I.D. NOTICE REQUIREMENTS [965.502]

The GRHC shall give notice to all residents of proposed allowances, scheduled surcharges, and revisions thereof. Such notice shall be given, in the manner provided in the lease, not less than 60 days before the proposed effective date of the allowances or scheduled surcharges or revisions; shall describe with reasonable particularity the basis for determination of the allowances, scheduled surcharges, or revisions, including a statement of the specific items of equipment and function whose utility consumption requirements were included in determining the amounts of the allowances or scheduled surcharges; shall notify residents of the place where the PHA's record maintained is available for inspection; and shall provide all residents an opportunity to submit written comments during a period expiring not less than 30 calendar days before the proposed effective date of the allowances or scheduled surcharges or revisions. Such written comments shall be retained by the PHA and shall be available for inspection by residents.

16-I.E. REASONABLE ACCOMMODATION [24 CFR 965.508]

Requests for relief from surcharges for excess consumption of GRHC-purchased utilities, or from payment of utility supplier billings in excess of the allowances for resident-purchased utilities, may be granted by the GRHC on reasonable grounds, such as special needs of elderly, ill or disabled residents, or special factors affecting utility usage not within the control of the resident, as the GRHC shall deem appropriate. Residents can submit their request for reasonable accommodation to the property office for consideration.

PART II: ESTABLISHING FLAT RENTS

16-II.A. OVERVIEW

This part describes the requirements and policies related to establishing and updating flat rent amounts.

16-II.B. FLAT RENTS [24 CFR 960.253(b) and Notice PIH 2017-23]

Establishing Flat Rents

The GRHC will utilize 80% of Local Area Fair Market Rent as the Flat Rent, as required by HUD guidance PIN Notice 2022-33.

Review of Flat Rents

The GRHC must review flat rent annually. If the FMR/SAFMR/unadjusted rent is lower than the previous year, the GRHC will reduce flat rents to 80 percent of the current FMR/SAFMR/unadjusted rent.

Posting of Flat Rents

The GRHC will publicly post the schedule of flat rents in a conspicuous manner in the applicable GRHC or project office.

Documentation of Flat Rents [24 CFR 960.253(b)(5)]

The GRHC will save flat rent documentation in the LIPH project file for each development, as applicable.

PART III: FAMILY DEBTS TO THE GRHC

16-III.A. OVERVIEW

This part contains policies for recovery of monies that have been underpaid by families and describes the circumstances under which the GRHC will offer repayment agreements to families. Also discussed are the consequences of failure to make payments in accordance with a repayment agreement. When an action or inaction of a resident family results in the underpayment of rent or other amounts, the GRHC holds the family liable to return any underpayments to the GRHC.

The GRHC will enter into repayment agreements in accordance with the policies contained in this part as a means to recover overpayments. When a family refuses to repay monies owed to the GRHC, the GRHC will utilize other available collection alternatives including, but not limited to, Collection agencies, small claims court, Civil law suit, and the State income tax set-off program

16-III.B. REPAYMENT POLICY

Family Debts to the GRHC

Any amount owed to the GRHC by a public housing family must be repaid. If the family is unable to repay the debt within 30 calendar days, the GRHC will offer to enter into a repayment agreement in accordance with the policies below. If the family refuses to repay the debt, does not enter into a repayment agreement, or breaches a repayment agreement, the GRHC will terminate the family's tenancy in accordance with the policies in Chapter 13. The GRHC will also pursue other modes of collection.

General Repayment Agreement Guidelines

Down Payment Requirement

Before executing a repayment agreement with a family, the GRHC will generally require a down payment of 10 percent of the total amount owed. If the family can provide evidence satisfactory to the GRHC that a down payment of 10 percent would impose an undue hardship, the GRHC may, in its sole discretion, require a lesser percentage or waive the requirement.

Payment Thresholds

The GRHC has established the following thresholds for repayment of debts:

- Amounts between \$3,000 and the Federal or State threshold for criminal prosecution must be repaid within 36 months.
- Amounts between \$2,000 and \$2,999 must be repaid within 30 months.
- Amounts between \$1,000 and \$1,999 must be repaid within 24 months.
- Amounts under \$1,000 must be repaid within 12 months.

If a family can provide evidence satisfactory to the GRHC that the threshold applicable to the family's debt would impose an undue hardship, the GRHC may, in its sole discretion, determine that a lower monthly payment amount is reasonable. In making its determination, the GRHC will consider all relevant information, including the following:

- The amount owed by the family to the GRHC.
- The reason for the debt, including whether the debt was the result of family action/inaction or circumstances beyond the family's control.
- The family's current and potential income and expenses.
- The family's current tenant rent, as calculated under 24 CFR 960.253(c) The family's history of meeting its financial responsibilities.

Execution of the Agreement

Any repayment agreement between the GRHC and a family must be signed and dated by the GRHC and by the head of household and spouse/cohead (if applicable).

Due Dates

All payments are due by the close of business on the 15th day of the month. If the 15th does not fall on a business day, the due date is the close of business on the first business day after the 15th.

Late or Missed Payments

If a payment is not received by the end of the business day on the date due, and prior approval for the missed payment has not been given by the GRHC, the GRHC will send the family a delinquency notice giving the family 15 calendar days to make the late payment. If the payment is not received by the due date of the delinquency notice, it will be considered a breach of the agreement and the GRHC will terminate tenancy in accordance with the policies in Chapter 13.

If a family receives three delinquency notices for unexcused late payments in a 12-month period, the repayment agreement will be considered in default, and the GRHC will terminate tenancy in accordance with the policies in Chapter 13.

No Offer of Repayment Agreement

The GRHC generally will not enter into a repayment agreement with a family under any of the following conditions:

- The family is already under an existing repayment agreement with the GRHC.
- The GRHC determines that the family's debt is a result of program abuse or fraud (as defined in Chapter 15 of the ACOP).
- The amount owed by the family exceeds the federal or state threshold for criminal prosecution.

Repayment Agreements Involving Improper Payments

Notice PIH 2017-12 requires certain provisions to be included in any repayment agreement involving amounts owed by a family because it underreported or failed to report income:

- A reference to the items in the family briefing packet that state the family's obligation to provide true and complete information at every reexamination and the grounds on which the PHA may terminate assistance because of a family's action or failure to act
- A statement clarifying that each month the family not only must pay to the PHA the monthly payment amount specified in the agreement but must also pay to the owner the family's monthly share of the rent to owner
- A statement that the terms of the repayment agreement may be renegotiated if the family's income decreases or increases
- A statement that late or missed payments constitute default of the repayment agreement and may result in termination of assistance

PART IV: PUBLIC HOUSING ASSESSMENT SYSTEM (PHAS)

16-IV.A. OVERVIEW

The Public Housing Assessment System, or PHAS, is the system that HUD uses to assess a PHA's performance in managing its low-rent public housing programs. As an MTW designated agency the GRHC won't be scored under PHAS, however, the GRHC will still track various indicators as measures for good asset management.

16-IV.B. PHAS INDICATORS/SCORING [24 CFR 902 Subparts A, B, C, D, E, F]

HUD uses a centralized system to collect individual subsystem scores using various sub indicators and produces a composite PHAS score representing PHA's performance management. PHAS uses a 100-point scoring system based on four categories of indicators:

- **PASS (Physical Assessment Subsystem) – 40 points**
 - The purpose of the PASS is to determine whether public housing units are decent, safe, sanitary and in good repair, and to determine the level to which the PHA is maintaining its public housing in accordance with housing condition standards.
- **FASS (Financial Assessment Subsystem) – 25 points**
 - The purpose of the financial condition indicator is to measure the financial condition of each public housing project.
- **MASS (Management Assessment Subsystem) – 25 points**
 - The purpose of the management operations indicator is to assess the AMP's and PHA's management operations capabilities.
- **CFP (Capital Fund Program) – 10 points** Scores are generated for each development, or Asset Management Project (AMP).
 - The purpose of the Capital Fund program assessment is to examine the period of time it takes a PHA to obligate the funds provided to it from the Capital Fund program. Ultimately, the purpose is for PHAs to obligate 90% or more of these funds as quickly as possible, and no later than 2 years after funds become available. It is also to modernize and develop units and improve overall occupancy and to meet HUD's Strategic Plan goal to "Meet the Need for Quality Affordable Rental Homes."

AMP scores are weighted by how many units are in the AMP and then combined into the agency-wide score. The total score is used to determine the PHA's designation under PHAS. Scores below 60 results in a troubled designation. Scores of 90 points or above result in a high performer designation. Scores below 90 but above 60 are designated as a standard performer. If your PHA scores below 60 in any one indicator, you will be designated as a substandard performer.

| PHAS Indicators | Score | Maximum Score |
|---------------------|-------|---------------|
| Physical | | 40 |
| Financial | | 25 |
| Management | | 25 |
| Capital Fund | | 10 |
| Late Penalty Points | | |

| | | |
|----------------------------|-------------------------------|------------|
| PHAS Total Score | | 100 |
| Designation Status: | Small PHA Deregulation | |

PART V: RECORD KEEPING

16-V.A. OVERVIEW

All aspects of the program involve certain types of record-keeping. This part outlines the privacy rights of applicants and participants and record retention policies the GRHC will follow. The GRHC must maintain complete and accurate accounts and other records for the program in accordance with HUD requirements.

16-V.B. RECORD RETENTION [24 CFR 908.101 and 24 CFR 982.158]

The GRHC will keep the last three (3) years of the Form HUD-50058 and supporting documentation, and for at least three years after end of participation all documents related to a family's eligibility, tenancy, and termination. In addition, the GRHC will keep the following records for at least three (3) years:

- An application from each ineligible family and notice that the applicant is not eligible.
- Lead-based paint records as required by 24 CFR 35, Subpart B
- Documentation supporting the establishment of flat rents.
- Documentation supporting the establishment of utility allowances and surcharges.
- Documentation related to PHAS.
- Accounts and other records supporting GRHC budget and financial statements for the program.
- Complaints, investigations, notices, and corrective actions related to violations of the Fair Housing Act or the equal access final rule.
- Confidential records of all emergency transfers related to VAWA requested under the GRHC's Emergency Transfer Plan and the outcomes of such requests.
- Other records as determined by the GRHC or as required by HUD.
- If a hearing to establish a family's citizenship status is held, longer retention requirements apply for some types of documents. For specific requirements, see Section 14-II.A.

16-V.C. RECORDS MANAGEMENT

All applicant and participant information will be kept in a secure location and access will be limited to authorized GRHC staff and contractors. GRHC staff will not discuss personal family information unless there is a business reason to do so. Inappropriate discussion of family information or improper disclosure of family information by staff will result in disciplinary action.

Privacy Act Requirements [24 CFR 5.212 and Form-9886]

The collection, maintenance, use and dissemination of social security numbers (SSN), employer identification numbers (EIN), any information derived from these numbers, and income information of applicants and participants must be conducted, to the extent applicable, in compliance with the Privacy Act of 1974, and all other provisions of Federal, State, and local law. Applicants and participants, including all adults in the household, are required to sign a consent form, HUD-9886, Authorization for Release of Information. This form incorporates the Federal Privacy Act Statement and describes how the information collected using the form may be used, and under what conditions HUD or the GRHC may release the information collected.

Upfront Income Verification (UIV) Records

Prior to utilizing HUD's EIV system, the GRHC will adopt and implement EIV security procedures in accordance with HUD requirements.

Criminal Records

The GRHC may only disclose the criminal conviction records which the PHA receives from a law enforcement agency to officers or employees of the PHA, or to authorized representatives of the PHA who have a job-related need to have access to the information [24 CFR 5.903(e)].

The GRHC will establish and implement a system of records management that ensures that any criminal record received by the GRHC from a law enforcement agency is maintained confidentially, not misused or improperly disseminated, and destroyed, once the purpose for which the record was requested has been accomplished, including expiration of the period for filing a challenge to the GRHC action without institution of a challenge or final disposition of any such litigation [24 CFR 5.903(g)]. The GRHC will establish and implement a system of records management that ensures that any sex offender registration information received by the GRHC from a State or local agency is maintained confidentially, not misused or improperly disseminated, and destroyed, once the purpose for which the record was requested has been accomplished, including expiration of the period for filing a challenge to the GRHC action without institution of a challenge or final disposition of any such litigation. However, a record of the screening, including the type of screening and the date performed must be retained [Notice PIH 2012-28]. This requirement does not apply to information that is public information or is obtained by a PHA other than under 24 CFR 5.905.

Medical/Disability Records

The GRHC is not permitted to inquire about the nature or extent of a person's disability or inquire about a person's diagnosis or details of treatment for a disability or medical condition. If the GRHC receives a verification document that provides such information, the GRHC will not place this information in the tenant file, but destroy the document.

PART VI: REPORTING AND RECORD KEEPING FOR CHILDREN WITH ELEVATED BLOOD LEAD LEVEL

16-VI.A. REPORTING REQUIREMENTS [24 CFR 35.1130(e); Notice PIH 2017-13]

The GRHC currently does not house children at its LIPH development. However, responsibilities will apply to its scattered site units. The GRHC has certain responsibilities relative to children with elevated blood lead levels that are living in public housing. This part describes the GRHC's reporting responsibilities related to children with elevated blood lead levels that are living in public housing. The GRHC will provide the public health department with written notice of the name and address of any child identified as having an elevated blood lead level. The GRHC will provide written notice of each known case of a child with an EBLL to the HUD field office, and to HUD's Office of Lead Hazard Control (OLHCHH), within five (5) business days of receiving the information.

PART VII: VIOLENCE AGAINST WOMEN ACT (VAWA): NOTIFICATION, DOCUMENTATION, AND CONFIDENTIALITY

16-VII.A. OVERVIEW

The Violence against Women Reauthorization Act of 2013 (VAWA) provides special protections for victims of domestic violence, dating violence, sexual assault, and stalking who are applying for or receiving assistance under the public housing program. If your state or local laws provide greater protection for such victims, those laws apply in conjunction with VAWA.

In addition to definitions of key terms used in VAWA, this part contains general VAWA requirements and GRHC policies in three areas: notification, documentation, and confidentiality.

16-VII.B. DEFINITIONS [24 CFR 5.2003, FR Notice 8/6/13]

This section provides the statutory definitions of five key terms used in VAWA.

- The term ***bifurcate*** means, with respect to a public housing or Section 8 lease, to divide a lease as a matter of law such that certain tenants can be evicted or removed while the remaining family members' lease and occupancy rights are allowed to remain intact.
- The term ***dating violence*** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - The length of the relationship
 - The type of relationship - The frequency of interaction between the persons involved in the relationship
- The term ***domestic violence*** includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
- The term ***affiliated individual*** means, with respect to a person:
 - A spouse, parent, brother or sister, or child of that individual, or an individual to whom that individual stands in the position or place of a parent; or
 - Any other individual, tenant, or lawful occupant living in the household of the victim of domestic violence, dating violence, sexual assault, or stalking.
- The term ***sexual assault*** means:
 - Any nonconsensual sexual act proscribed by federal, tribal, or state law, including when the victim lacks the capacity to consent
- The term ***stalking*** means to engage in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress.

16-VII.C. NOTIFICATION [24 CFR 5.2005(a)]

Notification to Public

The GRHC will post the following information regarding VAWA in its offices and on its website.

It will also make the information readily available to anyone who requests it.

- A notice of occupancy rights under VAWA to housing choice voucher program applicants and participants who are or have been victims of domestic violence, dating violence, sexual assault, or stalking (Form HUD-5380, see Exhibit 16-1)
- A copy of form HUD-5382, Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternate Documentation (see Exhibit 16-2)
- A copy of the GRHC's emergency transfer plan (Exhibit 16-3)
- A copy of HUD's Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, Form HUD-5383 (Exhibit 16-4)
- The National Domestic Violence Hot Line: 1-800-799-SAFE (7233) or 1-800-787-3224 (TTY) (included in Exhibit 16-1)
- Contact information for local victim advocacy groups or service providers.

Notification to Applicants and Tenants [24 CFR 5.2005(a)(1)]

The GRHC must distribute a notice of VAWA rights (form HUD-5380), Exhibit 16-1 and 16-2, along with the VAWA self-certification form (form HUD-5382) at each of these three junctures:

- The GRHC will provide all applicants with information about VAWA at the time they request an application for housing assistance. The GRHC will also include such information in all notices of denial of assistance (See Section xx).
- The GRHC will provide all tenants with information about VAWA at the time of admission and at annual reexamination.
- The GRHC will also include such information in all lease termination notices.

Whenever the GRHC has reason to suspect that providing information about VAWA to a public housing tenant might place a victim of domestic violence at risk, it will attempt to deliver the information by hand directly to the victim or by having the victim come to an office or other space that may be safer for the individual, making reasonable accommodations as necessary. For example, the GRHC may decide not to send mail regarding VAWA protections to the victim's unit if the GRHC believes the perpetrator may have access to the victim's mail, unless requested by the victim. When discussing VAWA with the victim, the GRHC will take reasonable precautions to ensure that no one can overhear the conversation such as having conversations in a private room. The victim may, but is not required to, designate an attorney, advocate, or other secure contact for communications regarding VAWA protections.

16-VII.D. DOCUMENTATION [24 CFR 5.2007]

This section explains the authority provided by VAWA to request documentation from an individual who asserts a claim for initial or continued assistance based on status as a victim of domestic violence, dating violence, sexual assault, stalking, or criminal activity related to any of these forms of abuse. Any request for documentation of domestic violence, dating violence, sexual assault, or stalking will be in writing, will specify a deadline of 15 calendar days following receipt of the request, will describe the three forms of acceptable documentation, will provide explicit instructions on where and to whom the documentation must be submitted, and will state the consequences for failure to submit the documentation or request an extension in writing by the deadline.

The GRHC may, in its discretion, extend the deadline by 15 calendar days. In determining whether to extend the deadline, the GRHC will consider factors that may contribute to the victim's inability to provide documentation in a timely manner including cognitive limitations, disabilities, limited English proficiency, absence from the unit, administrative delays, the danger of further violence,

and the victim's need to address health or safety issues. Any extension granted by the GRHC will be in writing. Once the victim provides documentation, the GRHC will acknowledge receipt of the documentation within 15 calendar days.

Conflicting Documentation [24 CFR 5.2007(e)]

If presented with conflicting certification documents from members of the same household, the GRHC will attempt to determine which is the true victim by requiring each of them to provide third-party documentation in accordance with 24 CFR 5.2007(e) and by following any HUD guidance on how such determinations should be made. When requesting third-party documents, the GRHC will provide contact information for local domestic violence and legal aid offices. In such cases, applicants or tenants will be given 30 calendar days from the date of the request to provide such documentation. If the GRHC does not receive third-party documentation within the required timeframe (and any extensions) the GRHC will deny VAWA protections and will notify the applicant or tenant in writing of the denial. If, as a result, the applicant or tenant is denied or terminated from the program, the GRHC will hold separate hearings for the applicants or tenants.

Discretion to Require No Formal Documentation [24 CFR 5.2007(d)]

If the GRHC accepts an individual's statement or other corroborating evidence (as determined by the victim) of domestic violence, dating violence, sexual assault, or stalking, the GRHC will document acceptance of the statement or evidence in the individual's file.

Failure to Provide Documentation [24 CFR 5.2007(c)]

To deny relief under VAWA, the GRHC must provide the individual requesting relief with a written request for documentation of abuse. If the individual fails to provide the documentation within 15 calendar days from the date of receipt, the GRHC may deny relief for protection under VAWA.

16-VII.E. CONFIDENTIALITY [24 CFR 5.2007(b)(4)]

If disclosure is required for use in an eviction proceeding or is otherwise required by applicable law, the GRHC will inform the victim before disclosure occurs so that safety risks can be identified and addressed.

Part VIII: Over Income Limits

16.I.A Over-Income Families [24 CFR 960.261; FR Notice 2/14/23; Notice PIH 2023-03, 88 FR 9600]

Over-Income Families at New Admission

Section 103 of HOTMA applies to all PHAs operating a public housing program, including Moving to Work (MTW) Agencies. However, the GRHC owns or operates fewer than 250 public housing units may continue to lease public housing units to non-assisted over-income families in accordance with Section 3(a)(5) of the 1937 Act and 24 CFR 960.503. The over-income limit does not apply to these unassisted families whose annual income exceeds the applicable low-income limit at the time of initial occupancy.

The GRHC will lease to an over-income limit family, if all the following conditions are satisfied (24 CFR 960.503):

- There are no eligible low-income families on the GRHC waiting list or applying for public housing assistance when the unit is leased to an over-income family;
- The GRHC has publicized availability of the unit for rental to eligible low-income families, including publishing public notice of such availability in a newspaper of general circulation in the jurisdiction at least thirty days before offering the unit to an over-income family;
- The over-income family rents the unit on a month-to-month basis for a rent that is not less than the GRHC's cost to operate the unit;
- The lease to the over-income family provides that the family agrees to vacate the unit when needed for rental to an eligible family; and
- The GRHC gives the over-income family at least thirty days notice to vacate the unit when the unit is needed for rental to an eligible family.

Over-Income Families during Occupancy

In accordance with 24 CFR 960.507(c)(1), the GRHC will provide written notice to the OI family no later than 30 calendar days after the GRHC's initial determination, stating that the family has exceeded the OI limit as determined pursuant to an annual reexamination or an interim reexamination. The notice will state that:

- The family has exceeded the over-income limit, and
- Continuing to exceed the over-income limit for a total of 24 consecutive months will result in the PHA following its continued occupancy policy for over-income families in accordance with 24 CFR 960.507(d). See 24 CFR 960.507©(1) for more information.

If the GRHC determines the family has continued to exceed the over-income limit for 12 consecutive months after the initial OI determination, the GRHC will provide written notification pursuant to 24 CFR 960.507(c)(2) no later than 30 days after the GRHC's income examination that led to the 12-month over-income determination. The notice must state that:

- The family's income has exceeded the over-income limit for 12 consecutive months, and
- Continuing to exceed the over-income limit for the next 12 consecutive months will result in the family either paying the higher alternative rent as a non-public housing over-income (NPHOI) family or termination of their tenancy, depending on the GRHC's continued occupancy policies under 24 CFR 960.507(d).

This notice should include the estimated alternative rent where applicable (see section 8 to

determine the alternative rent). See 24 CFR 960.507(c)(2) for more information. iii. If the GRHC determines the family has continued to exceed the over-income limit for 24 consecutive months after the initial OI determination, then the GRHC will provide written notification pursuant to 24 CFR 960.507(c)(3) no later than 30 days after the GRHC's income examination that led to the 24-month over-income determination. The notice must state that:

- The family has exceeded the over-income limit for 24 consecutive months, and
- The GRHC will either terminate the family's tenancy (in no more than six months) or charge the family the alternative non-public housing rent (at the next lease renewal or in no more than 60 days after the date the final notice per 24 CFR 960.507(c)(3), whichever is sooner), depending on the GRHC's continued occupancy policies under 960.507(d). See 24 CFR 960.507(c)(3) for more information.

Once a GRHC determines through an annual reexamination or an interim reexamination that a family's income exceeds the applicable OI limit, the GRHC will notify the family and make a note in the tenant file to calculate the family's income again 12 months later to see if the family remains over-income. GRHCs are required to begin tracking the 24 consecutive month grace period once a family's income exceeds the applicable OI limit. After the initial OI determination is made, the GRHC must conduct an income reexamination 12 months later to determine if the family remains over-income even if the family is paying the flat rent (24 CFR 960.253) and/or the date no longer coincides with the family's original annual reexamination date. An income reexamination to determine if a family remains over-income does not reset the family's normal annual reexamination date. If a GRHC discovers through an annual or interim income reexamination during the 24-month grace period that a previously over-income family is now below the over-income limit, the family is no longer over-income. In this case, a previously OI family would be entitled to a new 24 consecutive month grace period if the family's income once again exceeds the OI limit. The GRHC will rely on the most current over-income limits. These numbers will be updated and posted at the sites within 60 days of HUD publishing new income limits each year and will be effective for all annual and interim reexaminations once these policies have been adopted. For families larger than 8 persons, the over-income limit will be calculated by multiplying the applicable very-low-income limit by 2.4.

| |
|--|
| EXHIBIT 16-1: SAMPLE Notice of Occupancy Rights Under the Violence Against Women Act, Form HUD-5380 |
|--|

GRAND RAPIDS HOUSING COMMISSON

Notice of Occupancy Rights under the Violence Against Women Act²

To all Tenants and Applicants

The Violence Against Women Act (VAWA) provides protections for victims of domestic violence, dating violence, sexual assault, or stalking. VAWA protections are not only available to women, but are available equally to all individuals regardless of sex, gender identity, or sexual orientation.³ The U.S. Department of Housing and Urban Development (HUD) is the federal agency that oversees that the housing choice voucher program is in compliance with VAWA. This notice explains your rights under VAWA. A HUD-approved certification form is attached to this notice. You can fill out this form to show that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking, and that you wish to use your rights under VAWA.”

Protections for Applicants

If you otherwise qualify for assistance under the housing choice voucher program, you cannot be denied admission or denied assistance because you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

Protections for Tenants

If you are receiving assistance under the housing choice voucher program, you may not be denied assistance, terminated from participation, or be evicted from your rental housing because you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

Also, if you or an affiliated individual of yours is or has been the victim of domestic violence, dating violence, sexual assault, or stalking by a member of your household or any guest, you may not be denied rental assistance or occupancy rights under the housing choice voucher program solely on the basis of criminal activity directly relating to that domestic violence, dating violence, sexual assault, or stalking.

Affiliated individual means your spouse, parent, brother, sister, or child, or a person to whom you stand in the place of a parent or guardian (for example, the affiliated individual is in your care, custody, or control); or any individual, tenant, or lawful occupant living in your household.

² Despite the name of this law, VAWA protection is available regardless of sex, gender identity, or sexual orientation.

³ Housing providers cannot discriminate on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. HUD-assisted and HUD-insured housing must be made available to all otherwise eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status.

Removing the Abuser or Perpetrator from the Household

The PHA may divide (bifurcate) your lease in order to evict the individual or terminate the assistance of the individual who has engaged in criminal activity (the abuser or perpetrator) directly relating to domestic violence, dating violence, sexual assault, or stalking.

If the PHA chooses to remove the abuser or perpetrator, the PHA may not take away the rights of eligible tenants to the unit or otherwise punish the remaining tenants. If the evicted abuser or perpetrator was the sole tenant to have established eligibility for assistance under the program, the PHA must allow the tenant who is or has been a victim and other household members to remain in the unit for a period of time, in order to establish eligibility under the program or under another HUD housing program covered by VAWA, or, find alternative housing.

In removing the abuser or perpetrator from the household, the PHA must follow federal, state, and local eviction procedures. In order to divide a lease, the PHA may, but is not required to, ask you for documentation or certification of the incidences of domestic violence, dating violence, sexual assault, or stalking.

Moving to Another Unit

Upon your request, the PHA may permit you to move to another unit, subject to the availability of other units, and still keep your assistance. In order to approve a request, the PHA may ask you to provide documentation that you are requesting to move because of an incidence of domestic violence, dating violence, sexual assault, or stalking. If the request is a request for emergency transfer, the housing provider may ask you to submit a written request or fill out a form where you certify that you meet the criteria for an emergency transfer under VAWA. The criteria are:

- 1. You are a victim of domestic violence, dating violence, sexual assault, or stalking.** If your housing provider does not already have documentation that you are a victim of domestic violence, dating violence, sexual assault, or stalking, your housing provider may ask you for such documentation, as described in the documentation section below.
- 2. You expressly request the emergency transfer.** Your housing provider may choose to require that you submit a form, or may accept another written or oral request.
- 3. You reasonably believe you are threatened with imminent harm from further violence if you remain in your current unit.** This means you have a reason to fear that if you do not receive a transfer you would suffer violence in the very near future.

OR

You are a victim of sexual assault and the assault occurred on the premises during the 90-calendar-day period before you request a transfer. If you are a victim of sexual assault, then in addition to qualifying for an emergency transfer because you reasonably believe you are threatened with imminent harm from further violence if you remain in your unit, you may qualify for an emergency transfer if the sexual assault occurred on the premises of the property from which you are seeking your transfer, and that assault happened within the 90-calendar-day period before you expressly request the transfer.

The PHA will keep confidential requests for emergency transfers by victims of domestic violence, dating violence, sexual assault, or stalking, and the location of any move by such victims and their families.

The PHA's emergency transfer plan provides further information on emergency transfers, and the PHA must make a copy of its emergency transfer plan available to you if you ask to see it.

Documenting You Are or Have Been a Victim of Domestic Violence, Dating Violence, Sexual Assault or Stalking

The PHA can, but is not required to, ask you to provide documentation to "certify" that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking. Such request from the PHA must be in writing, and the PHA must give you at least 14 business days (Saturdays, Sundays, and federal holidays do not count) from the day you receive the request to provide the documentation. The PHA may, but does not have to, extend the deadline for the submission of documentation upon your request.

You can provide one of the following to the PHA as documentation. It is your choice which of the following to submit if the PHA asks you to provide documentation that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

- A complete HUD-approved certification form given to you by the PHA with this notice, that documents an incident of domestic violence, dating violence, sexual assault, or stalking. The form will ask for your name, the date, time, and location of the incident of domestic violence, dating violence, sexual assault, or stalking, and a description of the incident. The certification form provides for including the name of the abuser or perpetrator if the name of the abuser or perpetrator is known and is safe to provide.
- A record of a Federal, State, tribal, territorial, or local law enforcement agency, court, or administrative agency that documents the incident of domestic violence, dating violence, sexual assault, or stalking. Examples of such records include police reports, protective orders, and restraining orders, among others.
- A statement, which you must sign, along with the signature of an employee, agent, or volunteer of a victim service provider, an attorney, a medical professional or a mental health professional (collectively, "professional") from whom you sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse, and with the professional selected by you attesting under penalty of perjury that he or she believes that the incident or incidents of domestic violence, dating violence, sexual assault, or stalking are grounds for protection.
- Any other statement or evidence that the PHA has agreed to accept.

If you fail or refuse to provide one of these documents within the 14 business days, the PHA does not have to provide you with the protections contained in this notice.

If the PHA receives conflicting evidence that an incident of domestic violence, dating violence, sexual assault, or stalking has been committed (such as certification forms from two or more members of a household each claiming to be a victim and naming one or more of the other petitioning household members as the abuser or perpetrator), the PHA has the right to request that you provide third-party documentation within thirty 30 calendar days in order to resolve the conflict. If you fail or refuse to provide third-party documentation where there is conflicting evidence, the PHA does not have to provide you with the protections contained in this notice.

Confidentiality

The PHA must keep confidential any information you provide related to the exercise of your rights under VAWA, including the fact that you are exercising your rights under VAWA.

The PHA must not allow any individual administering assistance or other services on behalf of the PHA (for example, employees and contractors) to have access to confidential information unless for reasons that specifically call for these individuals to have access to this information under applicable Federal, State, or local law.

The PHA must not enter your information into any shared database or disclose your information to any other entity or individual. The PHA, however, may disclose the information provided if:

- You give written permission to the PHA to release the information on a time limited basis.
- The PHA needs to use the information in an eviction or termination proceeding, such as to evict your abuser or perpetrator or terminate your abuser or perpetrator from assistance under this program.
- A law requires the PHA or your landlord to release the information.

VAWA does not limit the PHA's duty to honor court orders about access to or control of the property. This includes orders issued to protect a victim and orders dividing property among household members in cases where a family breaks up.

Reasons a Tenant Eligible for Occupancy Rights under VAWA May Be Evicted or Assistance May Be Terminated

You can be evicted and your assistance can be terminated for serious or repeated lease violations that are not related to domestic violence, dating violence, sexual assault, or stalking committed against you. However, the PHA cannot hold tenants who have been victims of domestic violence, dating violence, sexual assault, or stalking to a more demanding set of rules than it applies to tenants who have not been victims of domestic violence, dating violence, sexual assault, or stalking.

The protections described in this notice might not apply, and you could be evicted and your assistance terminated, if the PHA can demonstrate that not evicting you or terminating your assistance would present a real physical danger that:

1. Would occur within an immediate time frame, and
2. Could result in death or serious bodily harm to other tenants or those who work on the property.

If the PHA can demonstrate the above, the PHA should only terminate your assistance or evict you if there are no other actions that could be taken to reduce or eliminate the threat.

Other Laws

VAWA does not replace any federal, state, or local law that provides greater protection for victims of domestic violence, dating violence, sexual assault, or stalking. You may be entitled to additional housing protections for victims of domestic violence, dating violence, sexual assault, or stalking under other Federal laws, as well as under State and local laws.

Non-Compliance with The Requirements of This Notice

You may report a covered housing provider's violations of these rights and seek additional assistance, if needed, by contacting or filing a complaint with **[insert contact information for any intermediary, if applicable]** or **[insert HUD field office]**.

For Additional Information

You may view a copy of HUD's final VAWA rule at: <https://www.gpo.gov/fdsys/pkg/FR-2016-11-16/pdf/2016-25888.pdf>.

Additionally, the PHA must make a copy of HUD's VAWA regulations available to you if you ask to see them.

For questions regarding VAWA, please contact **[insert name of program or rental assistance contact information able to answer questions on VAWA]**.

For help regarding an abusive relationship, you may call the National Domestic Violence Hotline at 1-800-799-7233 or, for persons with hearing impairments, 1-800-787-3224 (TTY). You may also contact **[Insert contact information for relevant local organizations]**.

For tenants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime's Stalking Resource Center at <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

For help regarding sexual assault, you may contact **[Insert contact information for relevant organizations]**

Victims of stalking seeking help may contact **[Insert contact information for relevant organizations]**.

Attachment: Certification form HUD-5382 **[form approved for this program to be included]**

**EXHIBIT 16-2: Certification of Domestic Violence, Dating Violence, Sexual Assault, or
Stalking and Alternate Documentation,
Form HUD-5382**

**CERTIFICATION OF
DOMESTIC VIOLENCE,
DATING VIOLENCE,
SEXUAL ASSAULT, OR STALKING,
AND ALTERNATE DOCUMENTATION**

**U.S. Department of Housing
and Urban Development**

OMB Approval No. 2577-0286
Exp. 06/30/2017

Purpose of Form: The Violence Against Women Act (“VAWA”) protects applicants, tenants, and program participants in certain HUD programs from being evicted, denied housing assistance, or terminated from housing assistance based on acts of domestic violence, dating violence, sexual assault, or stalking against them. Despite the name of this law, VAWA protection is available to victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.

Use of This Optional Form: If you are seeking VAWA protections from your housing provider, your housing provider may give you a written request that asks you to submit documentation about the incident or incidents of domestic violence, dating violence, sexual assault, or stalking.

In response to this request, you or someone on your behalf may complete this optional form and submit it to your housing provider, or you may submit one of the following types of third-party documentation:

- (1) A document signed by you and an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional, or a mental health professional (collectively, “professional”) from whom you have sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse. The document must specify, under penalty of perjury, that the professional believes the incident or incidents of domestic violence, dating violence, sexual assault, or stalking occurred and meet the definition of “domestic violence,” “dating violence,” “sexual assault,” or “stalking” in HUD’s regulations at 24 CFR 5.2003.
- (2) A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or
- (3) At the discretion of the housing provider, a statement or other evidence provided by the applicant or tenant.

Submission of Documentation: The time period to submit documentation is 14 business days from the date that you receive a written request from your housing provider asking that you provide documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking. Your housing provider may, but is not required to, extend the time period to submit the documentation, if you request an extension of the time period. If the requested information is not received within 14 business days of when you received the request for the documentation, or any extension of the date provided by your housing provider, your housing provider does not need to grant you any of the VAWA protections. Distribution or issuance of this form does not serve as a written request for certification.

Confidentiality: All information provided to your housing provider concerning the incident(s) of domestic violence, dating violence, sexual assault, or stalking shall be kept confidential and such details shall not be entered into any shared database. Employees of your housing provider are not to have access to these details unless to grant or deny VAWA protections to you, and such employees may not disclose this information to any other entity or individual, except to the extent that disclosure is: (i) consented to by you in writing in a time-limited release; (ii) required for use in an eviction proceeding or hearing regarding termination of assistance; or (iii) otherwise required by applicable law.

**TO BE COMPLETED BY OR ON BEHALF OF THE VICTIM OF DOMESTIC VIOLENCE,
DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING**

1. Date the written request is received by victim: _____

2. Name of victim: _____

3. Your name (if different from victim's): _____

4. Name(s) of other family member(s) listed on the lease: _____

5. Residence of victim: _____

6. Name of the accused perpetrator (if known and can be safely disclosed): _____

7. Relationship of the accused perpetrator to the victim: _____

8. Date(s) and times(s) of incident(s) (if known): _____

10. Location of incident(s): _____

In your own words, briefly describe the incident(s):

This is to certify that the information provided on this form is true and correct to the best of my knowledge and recollection, and that the individual named above in Item 2 is or has been a victim of domestic violence, dating violence, sexual assault, or stalking. I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

Signature _____ Signed on (Date) _____

Public Reporting Burden: The public reporting burden for this collection of information is estimated to average 1 hour per response. This includes the time for collecting, reviewing, and reporting the data. The information provided is to be used by the housing provider to request certification that the applicant or tenant is a victim of domestic violence, dating violence, sexual assault, or stalking. The information is subject to the confidentiality requirements of VAWA. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid Office of Management and Budget control number.

| |
|--|
| <p>EXHIBIT 16-3: EMERGENCY TRANSFER PLAN FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, or STALKING (HCV VERSION)</p> |
|--|

Attachment: Certification form HUD-5382

GRAND RAPIDS HOUSING COMMISSION

**Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking
Housing Choice Voucher Program**

Emergency Transfers

The PHA is concerned about the safety of its tenants, and such concern extends to tenants who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with the Violence Against Women Act (VAWA),⁴ the PHA allows tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the tenant's current unit to another unit. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation.⁵ The ability of the PHA to honor such request for tenants currently receiving assistance, however, may depend upon a preliminary determination that the tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and on whether the PHA has another dwelling unit that is available and is safe to offer the tenant for temporary or more permanent occupancy.

This plan identifies tenants who are eligible for an emergency transfer, the documentation needed to request an emergency transfer, confidentiality protections, how an emergency transfer may occur, and guidance to tenants on safety and security. This plan is based on a model emergency transfer plan published by the U.S. Department of Housing and Urban Development (HUD), the federal agency that oversees that the **public housing and housing choice voucher (HCV) programs** are in compliance with VAWA.

Eligibility for Emergency Transfers

A tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking, as provided in HUD's regulations at 24 CFR part 5, subpart L, is eligible for an emergency transfer if the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit. If the tenant is a victim of sexual assault, the tenant may also be eligible to transfer if the sexual assault occurred on the premises within the 90-calendar-day period preceding a request for an emergency transfer.

A tenant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan.

⁴Despite the name of this law, VAWA protection is available to all victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.

⁵Housing providers cannot discriminate on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. HUD-assisted and HUD-insured housing must be made available to all otherwise eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status.

Tenants who are not in good standing may still request an emergency transfer if they meet the eligibility requirements in this section.

Emergency Transfer Request Documentation

To request an emergency transfer, the tenant shall notify the PHA's management office and submit a written request for a transfer to **any PHA office**. The PHA will provide reasonable accommodations to this policy for individuals with disabilities. The tenant's written request for an emergency transfer should include either:

1. A statement expressing that the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant were to remain in the same dwelling unit assisted under the PHA's program; OR
2. A statement that the tenant was a sexual assault victim and that the sexual assault occurred on the premises during the 90-calendar-day period preceding the tenant's request for an emergency transfer.

Confidentiality

The PHA will keep confidential any information that the tenant submits in requesting an emergency transfer, and information about the emergency transfer, unless the tenant gives the PHA written permission to release the information on a time-limited basis, or disclosure of the information is required by law or required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program. This includes keeping confidential the new location of the dwelling unit of the tenant, if one is provided, from the person or persons that committed an act of domestic violence, dating violence, sexual assault, or stalking against the tenant. See the Notice of Occupancy Rights under the Violence against Women Act for All Tenants for more information about the PHA's responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.

Emergency Transfer Timing and Availability

The PHA cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. The PHA will, however, act as quickly as possible to move a tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking to another unit, subject to availability and safety of a unit. If a tenant reasonably believes a proposed transfer would not be safe, the tenant may request a transfer to a different unit. If a unit is available, the transferred tenant must agree to abide by the terms and conditions that govern occupancy in the unit to which the tenant has been transferred. The PHA may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.

If the PHA has no safe and available units for which a tenant who needs an emergency transfer is eligible, the PHA will assist the tenant in identifying other housing providers who may have safe and available units to which the tenant could move. At the tenant's request, the PHA will also assist tenants in contacting the local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking that are attached to this plan.

Emergency Transfers: Housing Choice Voucher (HCV) Program

Tenant-based assistance: If you are a participant in the tenant-based HCV program and request an emergency transfer as described in this plan, the PHA will assist you to move to a safe unit quickly using your existing voucher assistance. The PHA will make exceptions to program regulations restricting moves as required.

At your request, the PHA will refer you to organizations that may be able to further assist you.

Project-based assistance: If you are assisted under the project-based voucher (PBV) program, you may request an emergency transfer under the following programs for which you are not required to apply:

- Tenant-based voucher, if available
- Project-based assistance in the same project (if a vacant unit is available and you determine that the vacant unit is safe)
- Project-based assistance in another development owned by the PHA

Emergency transfers under VAWA will take priority over waiting list admissions for these types of assistance.

You may also request an emergency transfer under the following programs for which you are required to apply:

- Public housing program
- PBV assistance in another development not owned by the PHA
- **[Insert other programs the PHA provides, such as LIHTC or HOME]**

Emergency transfers will not take priority over waiting list admissions for these programs. At your request, the PHA will refer you to organizations that may be able to further assist you.

Safety and Security of Tenants

Pending processing of the transfer and the actual transfer, if it is approved and occurs, the tenant is urged to take all reasonable precautions to be safe.

Tenants who are or have been victims of domestic violence are encouraged to contact the National Domestic Violence Hotline at 1-800-799-7233, or a local domestic violence shelter, for assistance in creating a safety plan. For persons with hearing impairments, that hotline can be accessed by calling 1-800-787-3224 (TTY).

Tenants who have been victims of sexual assault may call the Rape, Abuse, and Incest National Network's National Sexual Assault Hotline at 1-800-656-HOPE, or visit the online hotline at: <https://ohl.rainn.org/online/>.

Tenants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime's Stalking Resource Center at: <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

Attachment: Local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking.

| |
|---|
| EXHIBIT 16-4: Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, FORM HUD-5383 |
|---|

**EMERGENCY TRANSFER
REQUEST FOR CERTAIN
VICTIMS OF DOMESTIC
VIOLENCE, DATING VIOLENCE,
SEXUAL ASSAULT, OR STALKING**

**U.S. Department of Housing
and Urban Development**

OMB Approval No. 2577-0286
Exp. 06/30/2017

Purpose of Form: If you are a victim of domestic violence, dating violence, sexual assault, or stalking, and you are seeking an emergency transfer, you may use this form to request an emergency transfer and certify that you meet the requirements of eligibility for an emergency transfer under the Violence Against Women Act (VAWA). Although the statutory name references women, VAWA rights and protections apply to all victims of domestic violence, dating violence, sexual assault or stalking. Using this form does not necessarily mean that you will receive an emergency transfer. See your housing provider's emergency transfer plan for more information about the availability of emergency transfers.

The requirements you must meet are:

(1) You are a victim of domestic violence, dating violence, sexual assault, or stalking.

If your housing provider does not already have documentation that you are a victim of domestic violence, dating violence, sexual assault, or stalking, your housing provider may ask you for such documentation. In response, you may submit Form HUD-5382, or any one of the other types of documentation listed on that Form.

(2) You expressly request the emergency transfer. Submission of this form confirms that you have expressly requested a transfer. Your housing provider may choose to require that you submit this form, or may accept another written or oral request. Please see your housing provider's emergency transfer plan for more details.

(3) You reasonably believe you are threatened with imminent harm from further violence if you remain in your current unit. This means you have a reason to fear that if you do not receive a transfer you would suffer violence in the very near future.

OR

You are a victim of sexual assault and the assault occurred on the premises during the 90-calendar-day period before you request a transfer. If you are a victim of sexual assault, then in addition to qualifying for an emergency transfer because you reasonably believe you are threatened with imminent harm from further violence if you remain in your unit, you may qualify for an emergency transfer if the sexual assault occurred on the premises of the property from which you are seeking your transfer, and that assault happened within the 90-calendar-day period before you submit this form or otherwise expressly request the transfer.

Submission of Documentation: If you have third-party documentation that demonstrates why you are eligible for an emergency transfer, you should submit that documentation to your housing provider if it is safe for you to do so. Examples of third party documentation include, but are not limited to: a letter or other documentation from a victim service provider, social worker, legal assistance provider, pastoral counselor, mental health provider, or other professional from whom you have sought assistance; a current restraining order; a recent court order or other court records; a law enforcement report or records; communication records from the perpetrator of the violence or family members or friends of the perpetrator of the violence, including emails, voicemails, text messages, and social media posts.

Confidentiality: All information provided to your housing provider concerning the incident(s) of domestic violence, dating violence, sexual assault, or stalking, and concerning your request for an emergency transfer shall be kept confidential. Such details shall not be entered into any shared database. Employees of your housing provider are not to have access to these details unless to grant or deny VAWA protections or an emergency transfer to you. Such employees may not disclose this information to any other entity or individual, except to the extent that disclosure is: (i) consented to by you in writing in a time-limited release; (ii) required for use in an eviction proceeding or hearing regarding termination of assistance; or (iii) otherwise required by applicable law.

TO BE COMPLETED BY OR ON BEHALF OF THE PERSON REQUESTING A TRANSFER

1. Name of victim requesting an emergency transfer: _____

2. Your name (if different from victim's) _____

3. Name(s) of other family member(s) listed on the lease: _____

4. Name(s) of other family member(s) who would transfer with the victim: _____

5. Address of location from which the victim seeks to transfer: _____

6. Address or phone number for contacting the victim: _____

7. Name of the accused perpetrator (if known and can be safely disclosed): _____

8. Relationship of the accused perpetrator to the victim: _____

9. Date(s), Time(s) and location(s) of incident(s): _____

10. Is the person requesting the transfer a victim of a sexual assault that occurred in the past 90 days on the premises of the property from which the victim is seeking a transfer? If yes, skip question 11. If no, fill out question 11. _____

11. Describe why the victim believes they are threatened with imminent harm from further violence if they remain in their current unit.

12. If voluntarily provided, list any third-party documentation you are providing along with this notice: _____

This is to certify that the information provided on this form is true and correct to the best of my knowledge, and that the individual named above in Item 1 meets the requirement laid out on this form for an emergency transfer. I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

Signature _____ Signed on (Date) _____

| |
|---|
| MODEL OWNER NOTIFICATION OF RIGHTS AND OBLIGATIONS |
|---|

GRAND RAPIDS HOUSING COMMISSON

NOTIFICATION OF YOUR RIGHTS AND OBLIGATIONS

UNDER THE VIOLENCE AGAINST WOMEN ACT (VAWA)

VAWA provides protections for Section 8 Housing Choice Voucher (HCV) and PBV applicants, tenants, and participants from being denied assistance on the basis or as a direct result of being a victim of domestic violence, dating violence, sexual assault and stalking.

Purpose

Many of VAWA's protections to victims of domestic violence, dating violence, sexual assault and stalking involve action by the public housing agency (PHA), but some situations involve action by owners of assisted housing. The purpose of this notice (herein called "Notice") is to explain your rights and obligations under VAWA, as an owner of housing assisted through **[insert name of housing provider]** HCV program. Each component of this Notice also provides citations to HUD's applicable regulations.

Denial of Tenancy

Protections for applicants: Owners cannot deny tenancy based on the applicant having been or currently being a victim of domestic violence, dating violence, sexual assault, or stalking. However, the applicant must be otherwise eligible for tenancy. (See 24 Code of Federal Regulations (CFR) 982.452(b)(1).)

Eviction

Protections for HCV participants: Incidents or threats of domestic violence, dating violence, sexual assault, or stalking will not be considered a serious or repeated lease violation by the victim, or good cause to terminate the tenancy of the victim (24 CFR 5.2005(c)). Protection also applies to criminal activity related directly to domestic violence, dating violence, sexual assault, or stalking, conducted by a member of a tenant's household or any guest or other person under the tenant's control, if the tenant or an affiliated individual of the tenant is the victim or threatened victim of such domestic violence, dating violence, sexual assault, or stalking (24 CFR 5.2005(b)(2)).

Limitations of VAWA protections:

a. Nothing in the VAWA Final Rule limits the authority of an owner, when notified of a court order, to comply with a court order with respect to (24 CFR 5.2005(d)(1)):

- 1) The rights of access or control of property, including civil protection orders issued to protect a victim of domestic violence, dating violence, sexual assault, or stalking; or
- 2) The distribution or possession of property among members of a household in a case.

b. Nothing in the VAWA Final Rule limits an owner from evicting a victim of domestic violence, dating violence, sexual assault, or stalking for a lease violation that is not premised on an act of domestic violence, dating violence, sexual assault, or stalking, as long as the owner does not subject the victim to more demanding standards than other tenants when deciding whether to evict. (See 24 CFR 5.2005(d)(2).)

c. Nothing in the VAWA Final Rule limits an owner from evicting a tenant (including the victim of domestic violence, dating violence, sexual assault, or stalking) if the owner can demonstrate an actual and imminent threat to other tenants or those employed at or providing services to the HCV property would be present if the tenant or lawful occupant is not evicted. (See 24 CFR 5.2005(d)(3).)

- i. In this context, words, gestures, actions, or other indicators will be considered an “actual and imminent threat” if they meet the following standards: An actual and imminent threat consists of a physical danger that is real, would occur within an immediate time frame, and could result in death or serious bodily harm. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include: the duration of the risk, the nature and severity of the potential harm, the likelihood that the potential harm will occur, and the length of time before the potential harm would occur. (See 24 CFR 5.2003.)
- ii. Any eviction due to “actual and imminent threat” should be utilized by an owner only when there are no other actions that could be taken to reduce or eliminate the threat, including, but not limited to, transferring the victim to a different unit, barring the perpetrator from the property, contacting law enforcement to increase police presence or develop other plans to keep the property safe, or seeking other legal remedies to prevent the perpetrator from acting on a threat. Restrictions predicated on public safety cannot be based on stereotypes, but must be tailored to particularized concerns about individual residents. (See 24 CFR 5.2005(d)(4).)

Documentation of Domestic Violence, Dating Violence, Sexual Assault, or Stalking

If an applicant or tenant requests VAWA protection based on status as a victim of domestic violence, dating violence, sexual assault, or stalking, the owner has the option to request that the victim document or provide written evidence to demonstrate that the violence occurred. However, nothing in HUD’s regulation requires a covered housing provider to request this documentation. (See 24 CFR 5.2007(b)(3).)

If the owner chooses to request this documentation, the owner must make such request in writing. The individual may satisfy this request by providing any one document type listed under 24 CFR 5.2007(b)(1):

- a. Form HUD-55383 (Self-Certification Form); or
- b. A document: 1) Signed by an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional or a mental health professional (collectively, “professional”) from whom the victim has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse:
2) Signed by the applicant or tenant; and
3) That specifies, under penalty of perjury, that the professional believes in the occurrence of the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection and remedies under 24 CFR part 5, subpart L, and that the incident meets the applicable definition of domestic violence, dating violence, sexual assault, or stalking under 24 CFR 5.2003; or
- c. A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or
- d. At the discretion of a covered housing provider, a statement or other evidence provided by the applicant or tenant.

The owner must accept any of the above items (a – c). The owner has discretion to accept a statement or other evidence (d).

The owner is prohibited from requiring third-party documentation of the domestic violence, dating violence, sexual assault, or stalking, unless the submitted documentation contains conflicting information.

If the owner makes a written request for documentation, the owner may require submission of that documentation within 14 business days after the date that the individual received the written request for documentation. (24 CFR 5.2007(a)(2)). The owner may extend this time period at its discretion. During the 14 business day period and any granted extensions of that time, no adverse actions, such as evictions or terminations, can be taken against the individual requesting VAWA protection.

Once a victim provides documentation of domestic violence, dating violence, sexual assault, or stalking, the owner is encouraged to acknowledge receipt of the documentation in a timely manner.

If the applicant or tenant fails to provide documentation that meets the criteria in 24 CFR 5.2007 within 14 business days after receiving the written request for that documentation or within the designated extension period, nothing in VAWA Final Rule may be construed to limit the authority of the covered housing provider to:

- a. Deny admission by the applicant or tenant to the housing or program;
- b. Deny assistance under the covered housing program to the applicant or tenant;
- c. Terminate the participation of the tenant in the covered housing program; or
- d. Evict the tenant, or a lawful occupant that commits a violation of a lease.

An individual's failure to timely provide documentation of domestic violence, dating violence, sexual assault, or stalking does not result in a waiver of the individual's right to challenge the denial of assistance or termination, nor does it preclude the individual's ability to raise an incident of domestic violence, dating violence, sexual assault, or stalking at eviction or termination proceedings.

Moves

A victim of domestic violence, dating violence, sexual assault, or stalking may move in violation of their lease if the move is required to protect their safety. If a move results in the termination of the Housing Assistance Payment Contract, the lease is automatically terminated.

Lease Bifurcation

Owners may choose to bifurcate a lease, or remove a household member from a lease in order to evict, remove, terminate occupancy rights, or terminate assistance to such member who engages in criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking against an affiliated individual or other individual. (See 24 CFR 5.2009(a).) If an owner chooses to bifurcate the lease, the owner must comply with the reasonable time to establish eligibility under the covered housing program or find alternative housing following lease bifurcation provision in 24 CFR 5.2009(b). VAWA protections, including bifurcation, do not apply to guests or unreported members of a household or anyone else residing in a household who is not a tenant.

Eviction, removal, termination of occupancy rights, or termination of assistance must be effected in accordance with the procedures prescribed by federal, state, or local law for termination of leases.

To avoid unnecessary delay in the bifurcation process, HUD recommends that owners seek court-ordered eviction of the perpetrator pursuant to applicable laws. This process results in the underlying lease becoming null and void once the owner regains possession of the unit. The owner would then execute a new lease with the victim.

Evictions Due to “Actual and Imminent Threat” or Violations Not Premised on Abuse

The VAWA Final Rule generally prohibits eviction on the basis or as a direct result of the fact that the applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the applicant or tenant otherwise qualifies for assistance, participation or occupancy. (See 24 CFR 5.2005.)

However, the VAWA Final Rule does not prohibit an owner from evicting a tenant for any violation not premised on an act of domestic violence, dating violence, sexual assault, or stalking that is in question against the tenant or an affiliated individual of the tenant. Nor does the VAWA Final Rule prohibit an owner from evicting a tenant if the owner can demonstrate an actual and imminent threat to other tenants or those employed at or providing services to property of the owner would be present if that tenant or lawful occupant is not evicted or terminated from assistance. (See 5.2005(d)(2) and (3).)

In order to demonstrate an actual and imminent threat to other tenants or employees at the property, the covered housing provider must have objective evidence of words, gestures, actions, or other indicators that meet the standards in the following definition:

Actual and imminent threat refers to a physical danger that is real, would occur within an immediate time frame, and could result in death or serious bodily harm. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include:

- The duration of the risk;
- The nature and severity of the potential harm;
- The likelihood that the potential harm will occur; and
- The length of time before the potential harm would occur.

(See 24 CFR 5.2003 and 5.2005(d)(2).)

Confidentiality

Any information submitted to a covered housing provider under 24 CFR 5.2007, including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking, must be maintained in strict confidence by the covered housing provider. (See 24 CFR 5.2007(c).)

Employees of the owner (or those within their employ, e.g., contractors) must not have access to the information unless explicitly authorized by the owner for reasons that specifically call for these individuals to have access to this information under applicable Federal, State, or local law (e.g., the information is needed by an employee to provide the VAWA protections to the victim).

The owner must not enter this information into any shared database, or disclose this information to any other entity or individual, except to the extent that disclosure is:

- a. Requested or consented to in writing by the individual (victim) in a time-limited release;
- b. Required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program; or
- c. Otherwise required by applicable law.

When communicating with the victim, owners must take precautions to ensure compliance with these confidentiality requirements.

Service Providers

[insert name of housing provider] has extensive relationships with local service providers. [insert name of housing provider] staff are available to provide referrals to shelters, counselors, and advocates. These resources are also provided in [insert name of housing provider] Annual and 5-Year Plan, Administrative Plan, VAWA Notice of Occupancy Rights, and Emergency Transfer Plan. A list of local service providers is attached to this Notice.

Definitions

Actual and imminent threat refers to a physical danger that is real, would occur within an immediate time frame, and could result in death or serious bodily harm. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include: the duration of the risk, the nature and severity of the potential harm, the likelihood that the potential harm will occur, and the length of time before the potential harm would occur.

Affiliated individual, with respect to an individual, means:

- (1) A spouse, parent, brother, sister, or child of that individual, or a person to whom that individual stands in the place of a parent or guardian (for example, the affiliated individual is a person in the care, custody, or control of that individual); or
- (2) Any individual, tenant, or lawful occupant living in the household of that individual.

Bifurcate means to divide a lease as a matter of law, subject to the permissibility of such process under the requirements of the applicable HUD-covered program and State or local law, such that certain tenants or lawful occupants can be evicted or removed and the remaining tenants or lawful occupants can continue to reside in the unit under the same lease requirements or as may be revised depending upon the eligibility for continued occupancy of the remaining tenants and lawful occupants.

Dating violence means violence committed by a person:

- (1) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- (2) Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - (i) The length of the relationship;
 - (ii) The type of relationship; and
 - (iii) The frequency of interaction between the persons involved in the relationship.

Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction. The term "spouse or intimate partner of the victim" includes a person who is or has been in a social relationship of a romantic or intimate nature with the victim, as determined by the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship.

Sexual assault means any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- (1) Fear for the person's individual safety or the safety of others; or
- (2) Suffer substantial emotional distress.

VAWA means the Violence Against Women Act of 1994, as amended (42 U.S.C. 13925 and 42 U.S.C. 14043e et seq.).

Attached:

Legal services and the domestic violence resources for the Metro area

Form HUD-5382 Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking

[insert name of housing provider] VAWA Notice of Occupancy Rights

GLOSSARY

A. ACRONYMS USED IN THE HOUSING CHOICE VOUCHER (HCV) PROGRAM

| | |
|-----------------|---|
| AAF | Annual adjustment factor (published by HUD in the <i>Federal Register</i> and used to compute annual rent adjustments) |
| ACC | Annual contributions contract |
| ADA | Americans with Disabilities Act of 1990 |
| AIDS | Acquired immune deficiency syndrome |
| BR | Bedroom |
| CDBG | Community Development Block Grant (Program) |
| CFR | Code of Federal Regulations (published federal rules that define and implement laws; commonly referred to as “the regulations”) |
| CPI | Consumer price index (published monthly by the Department of Labor as an inflation indicator) |
| DAYS | Calendar days, unless other wise noted. |
| EID | Earned income disallowance |
| EIV | Enterprise Income Verification |
| FDIC | Federal Deposit Insurance Corporation |
| FHA | Federal Housing Administration (HUD Office of Housing) |
| FHEO | Fair Housing and Equal Opportunity (HUD Office of) |
| FICA | Federal Insurance Contributions Act (established Social Security taxes) |
| FMR | Fair market rent |
| FR | Federal Register |
| FSS | Family Self-Sufficiency (Program) |
| FY | Fiscal year |
| FYE | Fiscal year end |
| GAO | Government Accountability Office |
| GR | Gross rent |
| HA | Housing authority or housing agency |
| HAP | Housing assistance payment |
| HCV | Housing choice voucher |
| HQS | Housing quality standards |
| HUD | Department of Housing and Urban Development |
| HUDCLIPS | HUD Client Information and Policy System |

| | |
|--------------|---|
| IPA | Independent public accountant |
| IRA | Individual retirement account |
| IRS | Internal Revenue Service |
| JTPA | Job Training Partnership Act |
| LBP | Lead-based paint |
| LEP | Limited English proficiency |
| LIPH | Low Income Public Housing |
| MSA | Metropolitan statistical area (established by the U.S. Census Bureau) |
| MTCS | Multi-family Tenant Characteristics System (now the Form HUD-50058 submodule of the PIC system) |
| MTW | Moving to Work |
| NOFA | Notice of funding availability |
| OGC | HUD's Office of General Counsel |
| OIG | HUD's Office of Inspector General |
| OMB | Office of Management and Budget |
| PASS | Plan to Achieve Self-Support |
| PHA | Public housing agency |
| PIC | PIH Information Center |
| PIH | (HUD Office of) Public and Indian Housing |
| PS | Payment standard |
| QC | Quality control |
| REAC | (HUD) Real Estate Assessment Center |
| RFP | Request for proposals |
| RFTA | Request for tenancy approval |
| RIGI | Regional inspector general for investigation (handles fraud and program abuse matters for HUD at the regional office level) |
| SEMAP | Section 8 Management Assessment Program |
| SRO | Single room occupancy |
| SSA | Social Security Administration |
| SSI | Supplemental security income |
| SWICA | State wage information collection agency |

| | |
|-------------|--|
| TANF | Temporary assistance for needy families |
| TPV | Tenant protection vouchers |
| TR | Tenant rent |
| TTP | Total tenant payment |
| UA | Utility allowance |
| UFAS | Uniform Federal Accessibility Standards |
| UIV | Upfront income verification |
| URP | Utility reimbursement payment |
| VAWA | Violence Against Women Reauthorization Act of 2013 |

B. GLOSSARY OF SUBSIDIZED HOUSING TERMS

Absorption. In portability (under subpart H of this part 982): the point at which a receiving PHA stops billing the initial PHA for assistance on behalf of a portability family. The receiving PHA uses funds available under the receiving PHA consolidated ACC.

Accessible. The facility or portion of the facility can be approached, entered, and used by persons with disabilities.

Adjusted income. Annual income, less allowable HUD deductions and allowances.

Administrative fee. Fee paid by HUD to the PHA for administration of the program. See §982.152.

Administrative plan. The plan that describes PHA policies for administration of the tenant-based programs. The Administrative Plan and any revisions must be approved by the PHA's board and included as a supporting document to the PHA Plan. See §982.54.

Admission. The point when the family becomes a participant in the program. The date used for this purpose is the effective date of the first HAP contract for a family (first day of initial lease term) in a tenant-based program.

Affiliated individual. With respect to an individual, a spouse, parent, brother, sister, or child of that individual, or an individual to whom that individual stands in loco parentis (in the place of a parent), or any individual, tenant, or lawful occupant living in the household of that individual

Amortization payment. In a manufactured home space rental: The monthly debt service payment by the family to amortize the purchase price of the manufactured home.

Annual. Happening once a year.

Annual contributions contract (ACC). The written contract between HUD and a PHA under which HUD agrees to provide funding for a program under the 1937 Act, and the PHA agrees to comply with HUD requirements for the program.

Annual income. The anticipated total income of an eligible family from all sources for the 12-month period following the date of determination of income, computed in accordance with the regulations.

Applicant (applicant family). A family that has applied for admission to a program but is not yet a participant in the program.

Area exception rent. An amount that exceeds the published FMR. See 24 CFR 982.504(b).

As-paid states. States where the welfare agency adjusts the shelter and utility component of the welfare grant in accordance with actual housing costs.

Assets. (See *net family assets*.)

Auxiliary aids. Services or devices that enable persons with impaired sensory, manual, or speaking skills to have an equal opportunity to participate in, and enjoy the benefits of, programs or activities receiving federal financial assistance.

Biennial. Happening every two years.

Bifurcate. With respect to a public housing or Section 8 lease, to divide a lease as a matter of law such that certain tenants can be evicted or removed while the remaining family members' lease and occupancy rights are allowed to remain intact.

Budget authority. An amount authorized and appropriated by the Congress for payment to PHAs under the program. For each funding increment in a PHA program, budget authority is the maximum amount that may be paid by HUD to the PHA over the ACC term of the funding increment.

Child. A member of the family other than the family head or spouse who is under 18 years of age.

Child care expenses. Amounts anticipated to be paid by the family for the care of children under 13 years of age during the period for which annual income is computed, but only where such care is necessary to enable a family member to actively seek employment, be gainfully employed, or to further his or her education and only to the extent such amounts are not reimbursed. The amount deducted shall reflect reasonable charges for child care. In the case of child care necessary to permit employment, the amount deducted shall not exceed the amount of employment income that is included in annual income.

Citizen. A citizen or national of the United States.

Cohead. An individual in the household who is equally responsible for the lease with the head of household. A family may have a cohead or spouse but not both. A cohead never qualifies as a dependent. The cohead must have legal capacity to enter into a lease.

Common space. In shared housing, the space available for use by the assisted family and other occupants of the unit.

Computer match. The automated comparison of databases containing records about individuals.

Confirmatory review. An on-site review performed by HUD to verify the management performance of a PHA.

Consent form. Any consent form approved by HUD to be signed by assistance applicants and participants to obtain income information from employers and SWICAs; return information from the Social Security Administration (including wages, net earnings from self-employment, and retirement income); and return information for unearned income from the IRS. Consent forms expire after a certain time and may authorize the collection of other information to determine eligibility or level of benefits.

Congregate housing. Housing for elderly persons or persons with disabilities that meets the HQS for congregate housing. A special housing type: see 24 CFR 982.606–609.

Contiguous MSA. In portability (under subpart H of part 982): An MSA that shares a common boundary with the MSA in which the jurisdiction of the initial PHA is located.

Continuously assisted. An applicant is continuously assisted under the 1937 Act if the family is already receiving assistance under any 1937 Housing Act program when the family is admitted to the voucher program.

Contract authority. The maximum annual payment by HUD to a PHA for a funding increment.

Cooperative (term includes mutual housing). Housing owned by a nonprofit corporation or association, and where a member of the corporation or association has the right to reside in a particular apartment, and to participate in management of the housing. A special housing type (see 24 CFR 982.619).

Covered families. Statutory term for families who are required to participate in a welfare agency economic self-sufficiency program and who may be subject to a welfare benefit sanction for noncompliance with this obligation. Includes families who receive welfare assistance or other public assistance under a program for which federal, state or local law requires that a member of the family must participate in an economic self-sufficiency program as a condition for the assistance.

Dating violence. Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship
- The type of relationship
- The frequency of interaction between the persons involved in the relationship

Dependent. A member of the family (except foster children and foster adults) other than the family head or spouse, who is under 18 years of age, or is a person with a disability, or is a full-time student.

Dependent child. In the context of the student eligibility restrictions, a dependent child of a student enrolled in an institution of higher education. The dependent child must also meet the definition of *dependent* as specified above.

Disability assistance expenses. Reasonable expenses that are anticipated, during the period for which annual income is computed, for attendant care and auxiliary apparatus for a disabled family member, and that are necessary to enable a family member (including the disabled member) to be employed, provided that the expenses are neither paid to a member of the family nor reimbursed by an outside source.

Disabled family. A family whose head, cohead, spouse, or sole member is a person with disabilities; two or more persons with disabilities living together; or one or more persons with disabilities living with one or more live-in aides.

Disabled person. See *person with disabilities*.

Disallowance. Exclusion from annual income.

Displaced family. A family in which each member, or whose sole member, is a person displaced by governmental action, or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to federal disaster relief laws.

Domestic violence. Felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim

who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Domicile. The legal residence of the household head or spouse as determined in accordance with state and local law.

Drug-related criminal activity. The illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute, or use the drug.

Economic self-sufficiency program. Any program designed to encourage, assist, train or facilitate the economic independence of assisted families, or to provide work for such families. Can include job training, employment counseling, work placement, basic skills training, education, English proficiency, Workfare, financial or household management, apprenticeship, or any other program necessary to ready a participant to work (such as treatment for drug abuse or mental health treatment). Includes any work activities as defined in the Social Security Act (42 U.S.C. 607(d)). Also see 24 CFR 5.603(c).

Elderly family. A family whose head, cohead, spouse, or sole member is a person who is at least 62 years of age; two or more persons who are at least 62 years of age living together; or one or more persons who are at least 62 years of age living with one or more live-in aides.

Elderly person. An individual who is at least 62 years of age.

Eligible family A family that is income eligible and meets the other requirements of the 1937 Act and Part 5 of 24 CFR. See also *family*.

Employer identification number (EIN). The nine-digit taxpayer identifying number that is assigned to an individual, trust, estate, partnership, association, company, or corporation.

Evidence of citizenship or eligible status. The documents which must be submitted as evidence of citizenship or eligible immigration status. See 24 CFR 5.508(b).

Extremely low-income family. A family whose annual income does not exceed the federal poverty level or 30 percent of the median income for the area, whichever number is higher. Area median income is determined by HUD, with adjustments for smaller and larger families. HUD may establish income ceilings higher or lower than 30 percent of median income if HUD finds such variations are necessary due to unusually high or low family incomes. See 24 CFR 5.603.

Facility. All or any portion of buildings, structures, equipment, roads, walks, parking lots, rolling stock, or other real or personal property or interest in the property.

Fair Housing Act. Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988.

Fair market rent (FMR). The rent, including the cost of utilities (except telephone), as established by HUD for units of varying sizes (by number of bedrooms), that must be paid in the housing market area to rent privately owned, existing, decent, safe, and sanitary rental housing of modest (non-luxury) nature with suitable amenities. See periodic publications in the *Federal Register* in accordance with 24 CFR Part 888.

Family. Includes but is not limited to the following, regardless of actual or perceived sexual orientation, gender identity, or marital status, and can be further defined in PHA policy.

- A family with or without children (the temporary absence of a child from the home due to placement in foster care is not considered in determining family composition and family size)
- An elderly family or a near-elderly family
- A displaced family
- The remaining member of a tenant family
- A single person who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a tenant family.

Family rent to owner. In the voucher program, the portion of rent to owner paid by the family.

Family self-sufficiency program (FSS program). The program established by a PHA in accordance with 24 CFR part 984 to promote self-sufficiency of assisted families, including the coordination of supportive services (42 U.S.C. 1437u).

Family share. The portion of rent and utilities paid by the family. For calculation of family share, see 24 CFR 982.515(a).

Family unit size. The appropriate number of bedrooms for a family, as determined by the PHA under the PHA subsidy standards.

Federal agency. A department of the executive branch of the federal government.

Foster child care payment. A payment to eligible households by state, local, or private agencies appointed by the state to administer payments for the care of foster children.

Full-time student. A person who is attending school or vocational training on a full-time basis (carrying a subject load that is considered full-time for day students under the standards and practices of the educational institution attended). See 24 CFR 5.603.

Funding increment. Each commitment of budget authority by HUD to a PHA under the consolidated annual contributions contract for the PHA program.

Gender identity. Actual or perceived gender-related characteristics.

Gross rent. The sum of the rent to owner plus any utility allowance.

Group home. A dwelling unit that is licensed by a state as a group home for the exclusive residential use of two to twelve persons who are elderly or persons with disabilities (including any live-in aide). (A special housing type: see 24 CFR 982.610–614.)

Handicap. Any condition or characteristic that renders a person an individual with handicaps. (See *person with disabilities*.)

HAP contract. The housing assistance payments contract. A written contract between the PHA and an owner for the purpose of providing housing assistance payments to the owner on behalf of an eligible family.

Head of household. The adult member of the family who is the head of the household for purposes of determining income eligibility and rent.

Household. A household includes additional people other than the family who, with the PHA's permission, live in an assisted unit, such as live-in aides, foster children, and foster adults.

Housing assistance payment. The monthly assistance payment by a PHA, which includes: (1) A payment to the owner for rent to the owner under the family's lease; and (2) An additional payment to the family if the total assistance payment exceeds the rent to owner.

Housing agency (HA). See *public housing agency*.

Housing quality standards (HQS). The HUD minimum quality standards for housing assisted under the voucher program.

HUD. The U.S. Department of Housing and Urban Development.

Imputed asset. An asset disposed of for less than fair market value during the two years preceding examination or reexamination.

Imputed asset income. The PHA-established passbook rate multiplied by the total cash value of assets. The calculation is used when net family assets exceed \$5,000.

Imputed welfare income. An amount of annual income that is not actually received by a family as a result of a specified welfare benefit reduction, but is included in the family's annual income and therefore reflected in the family's rental contribution.

Income. Income from all sources of each member of the household, as determined in accordance with criteria established by HUD.

Income for eligibility. Annual income.

Income information means information relating to an individual's income, including:

- All employment income information known to current or previous employers or other income sources
- All information about wages, as defined in the state's unemployment compensation law, including any social security number; name of the employee; quarterly wages of the employee; and the name, full address, telephone number, and, when known, employer identification number of an employer reporting wages under a state unemployment compensation law
- Whether an individual is receiving, has received, or has applied for unemployment compensation, and the amount and the period received
- Unearned IRS income and self-employment, wages, and retirement income
- Wage, social security, and supplemental security income data obtained from the Social Security Administration.

Individual with handicaps. See *person with disabilities*.

Initial PHA. In portability, the term refers to both: (1) A PHA that originally selected a family that later decides to move out of the jurisdiction of the selecting PHA; and (2) A PHA that absorbed a family that later decides to move out of the jurisdiction of the absorbing PHA.

Initial payment standard. The payment standard at the beginning of the HAP contract term.

Initial rent to owner. The rent to owner at the beginning of the HAP contract term.

Institution of higher education. An institution of higher education as defined in 20 U.S.C. 1001 and 1002. See Exhibit 3-2 in this Administrative Plan.

Jurisdiction. The area in which the PHA has authority under state and local law to administer the program.

Landlord. Either the owner of the property or his/her representative, or the managing agent or his/her representative, as shall be designated by the owner.

Lease. A written agreement between an owner and a tenant for the leasing of a dwelling unit to the tenant. The lease establishes the conditions for occupancy of the dwelling unit by a family with housing assistance payments under a HAP contract between the owner and the PHA.

Live-in aide. A person who resides with one or more elderly persons, or near-elderly persons, or persons with disabilities, and who:

- Is determined to be essential to the care and well-being of the persons;
- Is not obligated for the support of the persons; and
- Would not be living in the unit except to provide the necessary supportive services.

Living/sleeping room. A living room may be used as sleeping (bedroom) space, but no more than two persons may occupy the space. A bedroom or living/sleeping room must have at least one window and two electrical outlets in proper operating condition. See HCV GB p. 10-6 and 24 CFR 982.401.

Local preference. A preference used by the PHA to select among applicant families.

Low-income family. A family whose income does not exceed 80 percent of the median income for the area as determined by HUD with adjustments for smaller or larger families, except that HUD may establish income limits higher or lower than 80 percent for areas with unusually high or low incomes.

Manufactured home. A manufactured structure that is built on a permanent chassis, is designed for use as a principal place of residence, and meets the HQS. (A special housing type: see 24 CFR 982.620 and 982.621.)

Manufactured home space. In manufactured home space rental: A space leased by an owner to a family. A manufactured home owned and occupied by the family is located on the space. See 24 CFR 982.622 to 982.624.

Medical expenses. Medical expenses, including medical insurance premiums, that are anticipated during the period for which annual income is computed, and that are not covered by insurance (a deduction for elderly or disabled families only). These allowances are given when calculating adjusted income for medical expenses in excess of 3 percent of annual income.

Minor. A member of the family household other than the family head or spouse, who is under 18 years of age.

Mixed family. A family whose members include those with citizenship or eligible immigration status, and those without citizenship or eligible immigration status.

Monthly adjusted income. One twelfth of adjusted income.

Monthly income. One twelfth of annual income.

Mutual housing. Included in the definition of *cooperative*.

National. A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession.

Near-elderly family. A family whose head, spouse, or sole member is a person who is at least 50 years of age but below the age of 62; or two or more persons, who are at least 50 years of age but below the age of 62, living together; or one or more persons who are at least 50 years of age but below the age of 62 living with one or more live-in aides.

Net family assets. (1) Net cash value after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of capital investment, excluding interests in Indian trust land and excluding equity accounts in HUD homeownership programs. The value of necessary items of personal property such as furniture and automobiles shall be excluded.

- In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the family or household, the value of the trust fund will not be considered an asset so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted when determining annual income under §5.609.
- In determining net family assets, PHAs or owners, as applicable, shall include the value of any business or family assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received therefore. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or tenant receives important consideration not measurable in dollar terms.

Noncitizen. A person who is neither a citizen nor national of the United States.

Notice of funding availability (NOFA). For budget authority that HUD distributes by competitive process, the *Federal Register* document that invites applications for funding. This document explains how to apply for assistance and the criteria for awarding the funding.

Office of General Counsel (OGC). The General Counsel of HUD.

Overcrowded. A unit that does not meet the following HQS space standards: (1) Provide adequate space and security for the family; and (2) Have at least one bedroom or living/sleeping room for each two persons.

Owner. Any person or entity with the legal right to lease or sublease a unit to a participant.

PHA Plan. The annual plan and the 5-year plan as adopted by the PHA and approved by HUD.

PHA's quality control sample. An annual sample of files or records drawn in an unbiased manner and reviewed by a PHA supervisor (or by another qualified person other than the person who performed the original work) to determine if the work documented in the files or records conforms to program requirements. For minimum sample size see CFR 985.3.

Participant (participant family). A family that has been admitted to the PHA program and is currently assisted in the program. The family becomes a participant on the effective date of the first HAP contract executed by the PHA for the family (first day of initial lease term).

Payment standard. The maximum monthly assistance payment for a family assisted in the voucher program (before deducting the total tenant payment by the family).

Person with disabilities. *For the purposes of program eligibility.* A person who has a disability as defined under the Social Security Act or Developmental Disabilities Care Act, or a person who has a physical or mental impairment expected to be of long and indefinite duration and whose ability to live independently is substantially impeded by that impairment but could be improved by more suitable housing conditions. This includes persons with AIDS or conditions arising from AIDS but excludes persons whose disability is based solely on drug or alcohol dependence. *For the purposes of reasonable accommodation.* A person with a physical or mental impairment that substantially limits one or more major life activities, a person regarded as having such an impairment, or a person with a record of such an impairment.

Portability. Renting a dwelling unit with a Section 8 housing choice voucher outside the jurisdiction of the initial PHA.

Premises. The building or complex in which the dwelling unit is located, including common areas and grounds.

Previously unemployed. With regard to the earned income disallowance, a person with disabilities who has earned, in the 12 months previous to employment, no more than would be received for 10 hours of work per week for 50 weeks at the established minimum wage.

Private space. In shared housing, the portion of a contract unit that is for the exclusive use of an assisted family.

Processing entity. The person or entity that, under any of the programs covered, is responsible for making eligibility and related determinations and any income reexamination. In the HCV program, the "processing entity" is the "responsible entity."

Project owner. The person or entity that owns the housing project containing the assisted dwelling unit.

Public assistance. Welfare or other payments to families or individuals, based on need, which are made under programs funded, separately or jointly, by federal, state, or local governments.

Public housing agency (PHA). Any state, county, municipality, or other governmental entity or public body, or agency or instrumentality of these entities, that is authorized to engage or assist in the development or operation of low-income housing under the 1937 Act.

Qualified family (under the earned income disallowance). A family participating in an applicable assisted housing program or receiving HCV assistance:

- Whose annual income increases as a result of employment of a family member who is a person with disabilities and who was previously unemployed for one or more years prior to employment;
- Whose annual income increases as a result of increased earnings by a family member who is a person with disabilities during participation in any economic self-sufficiency or other job training program; or
- Whose annual income increases, as a result of new employment or increased earnings of a family member who is a person with disabilities, during or within six months after receiving assistance, benefits or services under any state program for temporary assistance for needy families funded under Part A of Title IV of the Social Security Act, as determined by the responsible entity in consultation with the local agencies administering temporary assistance for needy families (TANF) and Welfare-to-Work (WTW) programs. The TANF program is not limited to monthly income maintenance, but also includes such benefits and services as one-time payments, wage subsidies and transportation assistance--provided that the total amount over a six-month period is at least \$500.

Qualified census tract. With regard to certain tax credit units, any census tract (or equivalent geographic area defined by the Bureau of the Census) in which at least 50 percent of households have an income of less than 60 percent of Area Median Gross Income (AMGI), or where the poverty rate is at least 25 percent, and where the census tract is designated as a qualified census tract by HUD.

Reasonable rent. A rent to owner that is not more than rent charged: (1) For comparable units in the private unassisted market; and (2) For comparable unassisted units in the premises.

Reasonable accommodation. A change, exception, or adjustment to a rule, policy, practice, or service to allow a person with disabilities to fully access the PHA's programs or services.

Receiving PHA. In portability: A PHA that receives a family selected for participation in the tenant-based program of another PHA. The receiving PHA issues a voucher and provides program assistance to the family.

Recertification. Sometimes called *reexamination*. The process of securing documentation of total family income used to determine the rent the tenant will pay for the next 12 months if there are no additional changes to be reported.

Remaining member of the tenant family. The person left in assisted housing who may or may not normally qualify for assistance on their own circumstances (i.e., an elderly spouse dies, leaving widow age 47 who is not disabled).

Rent to owner. The total monthly rent payable to the owner under the lease for the unit (also known as contract rent). Rent to owner covers payment for any housing services, maintenance, and utilities that the owner is required to provide and pay for.

Residency preference. A PHA preference for admission of families that reside anywhere in a specified area, including families with a member who works or has been hired to work in the area (See *residency preference area*).

Residency preference area. The specified area where families must reside to qualify for a residency preference.

Responsible entity. For the public housing and the Section 8 tenant-based assistance, project-based voucher assistance, and moderate rehabilitation programs, the responsible entity means the PHA administering the program under an ACC with HUD. For all other Section 8 programs, the responsible entity means the Section 8 owner.

Secretary. The Secretary of Housing and Urban Development.

Section 8. Section 8 of the United States Housing Act of 1937.

Section 8 covered programs. All HUD programs which assist housing under Section 8 of the 1937 Act, including Section 8 assisted housing for which loans are made under Section 202 of the Housing Act of 1959.

Section 214. Section 214 of the Housing and Community Development Act of 1980, as amended.

Section 214 covered programs. The collective term for the HUD programs to which the restrictions imposed by Section 214 apply. These programs are set forth in 24 CFR 5.500.

Security deposit. A dollar amount (maximum set according to the regulations) which can be used for unpaid rent or damages to the owner upon termination of the lease.

Set-up charges. In a manufactured home space rental, charges payable by the family for assembling, skirting, and anchoring the manufactured home.

Sexual assault. Any nonconsensual sexual act proscribed by federal, tribal, or state law, including when the victim lacks capacity to consent (42 U.S.C. 13925(a)).

Sexual orientation. Homosexuality, heterosexuality or bisexuality.

Shared housing. A unit occupied by two or more families. The unit consists of both common space for shared use by the occupants of the unit and separate private space for each assisted family. (A special housing type: see 24 CFR 982.615–982.618.)

Single person. A person living alone or intending to live alone.

Single room occupancy housing (SRO). A unit that contains no sanitary facilities or food preparation facilities, or contains either, but not both, types of facilities. (A special housing type: see 24 CFR 982.602–982.605.)

Social security number (SSN). The nine-digit number that is assigned to a person by the Social Security Administration and that identifies the record of the person's earnings reported to the Social Security Administration. The term does not include a number with a letter as a suffix that is used to identify an auxiliary beneficiary.

Special admission. Admission of an applicant that is not on the PHA waiting list or without considering the applicant's waiting list position.

Special housing types. See subpart M of part 982. Subpart M states the special regulatory requirements for: SRO housing, congregate housing, group homes, shared housing, cooperatives (including mutual housing), and manufactured homes (including manufactured home space rental).

Specified welfare benefit reduction. Those reductions of welfare benefits (for a covered family) that may not result in a reduction of the family rental contribution. A reduction of welfare benefits because of fraud in connection with the welfare program, or because of welfare sanction due to noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program.

Spouse. The marriage partner of the head of household.

Stalking. To follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate; or to place under surveillance with the intent to kill, injure, harass, or intimidate another person; and in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to (1) that person, (2) a member of the immediate family of that person, or (3) the spouse or intimate partner of that person.

State wage information collection agency (SWICA). The state agency, including any Indian tribal agency, receiving quarterly wage reports from employers in the state, or an alternative system that has been determined by the Secretary of Labor to be as effective and timely in providing employment-related income and eligibility information.

Subsidy standards. Standards established by a PHA to determine the appropriate number of bedrooms and amount of subsidy for families of different sizes and compositions.

Suspension. The term on the family's voucher stops from the date the family submits a request for PHA approval of the tenancy, until the date the PHA notifies the family in writing whether the request has been approved or denied. This practice is also called *tolling*.

Tax credit rent. With regard to certain tax credit units, the rent charged for comparable units of the same bedroom size in the building that also receive the low-income housing tax credit but do not have any additional rental assistance (e.g., tenant-based voucher assistance).

Tenancy addendum. For the housing choice voucher program, the lease language required by HUD in the lease between the tenant and the owner.

Tenant. The person or persons (other than a live-in aide) who executes the lease as lessee of the dwelling unit.

Tenant rent to owner. See *family rent to owner*.

Term of lease. The amount of time a tenant agrees in writing to live in a dwelling unit.

Total tenant payment (TTP). The total amount the HUD rent formula requires the tenant to pay toward rent and utilities.

Unit. Residential space for the private use of a family. The size of a unit is based on the number of bedrooms contained within the unit and generally ranges from zero (0) bedrooms to six (6) bedrooms.

Utilities. Water, electricity, gas, other heating, refrigeration, cooking fuels, trash collection, and sewage services. Telephone service is not included.

Utility allowance. If the cost of utilities (except telephone) and other housing services for an assisted unit is not included in the tenant rent but is the responsibility of the family occupying the unit, an amount equal to the estimate made or approved by a PHA or HUD of the monthly cost of a reasonable consumption of such utilities and other services for the unit by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful living environment.

Utility reimbursement. In the voucher program, the portion of the housing assistance payment which exceeds the amount of rent to owner.

Utility hook-up charge. In a manufactured home space rental: Costs payable by a family for connecting the manufactured home to utilities such as water, gas, electrical and sewer lines.

Very low-income family. A low-income family whose annual income does not exceed 50 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD may establish income limits higher or lower than 50 percent of the median income for the area on the basis of its finding that such variations are necessary because of unusually high or low family incomes. This is the income limit for the housing choice voucher program.

Veteran. A person who has served in the active military or naval service of the United States at any time and who shall have been discharged or released therefrom under conditions other than dishonorable.

Violence Against Women Reauthorization Act (VAWA) of 2013. Prohibits denying admission to the program to an otherwise qualified applicant or terminating assistance on the basis that the applicant or program participant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking.

Violent criminal activity. Any illegal criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person or property of another.

Voucher (housing choice voucher). A document issued by a PHA to a family selected for admission to the housing choice voucher program. This document describes the program and the procedures for PHA approval of a unit selected by the family. The voucher also states obligations of the family under the program.

Voucher holder. A family holding a voucher with an unexpired term (search time).

Voucher program. The housing choice voucher program.

Waiting list. A list of families organized according to HUD regulations and PHA policy who are waiting for a unit to become available.

Waiting list admission. An admission from the PHA waiting list.

Welfare assistance. Income assistance from federal or state welfare programs, including assistance provided under TANF and general assistance. Does not include assistance directed solely to meeting housing expenses, nor programs that provide health care, child care or other services for working families. For the FSS program (984.103(b)), *welfare assistance* includes only cash maintenance payments from federal or state programs designed to meet a family's ongoing basic needs, but does not include food stamps, emergency rental and utilities assistance, SSI, SSDI, or social security.

ATTACHMENT I

MINUTES OF MARCH 16, 2023 MEETING OF THE RESIDENT ADVISORY BOARD OF THE GRAND RAPIDS HOUSING COMMISSION

The Resident Advisory Board meeting of the Grand Rapids Housing Commission was held on March 16, 2023 in the community room of Campau Commons at 821 Division South, Grand Rapids, Michigan for the purpose of reviewing the Grand Rapids Housing Commission Agency Plan.

The Executive Director called the meeting to order at 9:05 A.M.

Roll Call: Present: Mike Bernier, Jackie Moore, Brenda Lipsey, Terry McNeil, Iasha Anderson, Charnnia Jones, Martha Dove, Marion Carman, Lucille Nelson.

Absent: Yesica Robinson, Brenda Lockridge, Ellen Fitzgerald, Barbara Jones.

Grand Rapids Housing Commission staff attending: Executive Director Lindsey Reames, Business Intelligence Analyst Jose Capeles, HCV Manager Shakerah McRae, HCV Manager Wanda Couch, Interim Director of Leased Housing Tasha Aje' Scott, Resident Services Manager Joyce Williams, and Resident Services Coordinators Erin Shibley, Rachel Siebert, Eulondon Reeves, Latasha Maberry and Maria Lara.

1. The Executive Director welcomed and initiated introductions of the RAB members and staff attending the meeting and went over the purpose of the meeting to get comments from the RAB members on the 2023 Annual Agency Plan and Moving to Work Supplement.
2. The Executive Director explained the function of the Annual Agency Plan to inform HUD of the plans for the next year starting on July 1, 2023.
3. The Executive Director introduced the Moving to Work demonstration program which HUD began over twenty years ago. Congress recently approved expansion of the program to one

hundred additional agencies. The Grand Rapids Housing Commission will be participating in the Asset Building Cohort.

4. Business Intelligence Analyst Jose Capeles outlined changes in the Agency Plan that are related to the flexibilities allowed by participating in the Moving to Work program. Changes in policies for landlord incentives, inspections and recertifications will serve to reduce costs, incentivize self-sufficiency, and increase housing choices.

5. HCV Managers Wanda Couch and Shakerah McRae outlined other changes to the Agency Plan. These changes include operational documents being streamlined, preferences for homeless individuals, extended time for finding housing, and expansion to Ottawa County. Director of Asset Management Felicia Clay outlined additional changes in the LIPH program which include criminal background check standards, transfers, and VAWA accommodations.

6. The Executive Director opened the meeting for comments on the Agency Plan and Moving to Work supplement. Questions for clarification were made, but there were no comments.

7. The Executive Director reviewed the timeline for the documents. On March 21 it will go to the Board of Commissioners. It will subsequently be presented to the City of Grand Rapids. It is due to HUD by April 12 and will become effective on July 1, 2023.

There being no comments, the meeting was adjourned at 10:07 a.m.

Lindsey S. Reames

**Certification by State or Local
Official of PHA Plans Consistency
with the Consolidated Plan or
State Consolidated Plan
(All PHAs)**

U. S Department of Housing and Urban Development

Office of Public and Indian Housing

OMB No. 2577-0226

Expires 3/31/2024

**Certification by State or Local Official of PHA Plans
Consistency with the Consolidated Plan or State Consolidated Plan**

I, Mark Washington, the City Manager
Official's Name *Official's Title*

certify that the 5-Year PHA Plan for fiscal years _____ and/or Annual PHA Plan for fiscal
year 2024 of the Grand Rapids Housing Commission is consistent with the
PHA Name

Consolidated Plan or State Consolidated Plan including the Analysis of Impediments (AI) to Fair
Housing Choice or Assessment of Fair Housing (AFH) as applicable to the

City of Grand Rapids


Local Jurisdiction Name

pursuant to 24 CFR Part 91 and 24 CFR §§ 903.7(o)(3) and 903.15.

Provide a description of how the PHA Plan's contents are consistent with the Consolidated Plan or
State Consolidated Plan.

The Grand Rapids Housing Commission FY 2024 Annual Agency Plan and Moving to Work Supplement
address affordable housing needs identified in the 2021-2025 Regional Consolidated Housing and
Community Development (HCD) Plan. The Plan covers the City of Grand Rapids and Kent County.

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. **Warning:** HUD will
prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

| | |
|--|----------------------|
| Name of Authorized Official: | Title: |
| Mark Washington | City Manager |
| Signature:  | Date: <u>3/30/23</u> |

The United States Department of Housing and Urban Development is authorized to solicit the information requested in this form by virtue of Title 12, U.S.
Code, Section 1701 et seq., and regulations promulgated thereunder at Title 12, Code of Federal Regulations. Responses to the collection of information
are required to obtain a benefit or to retain a benefit. The information requested does not lend itself to confidentiality. This information is collected to
ensure consistency with the consolidated plan or state consolidated plan.

Public reporting burden for this information collection is estimated to average 0.16 hours per year per response, including the time for reviewing
instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. HUD
may not collect this information, and respondents are not required to complete this form, unless it displays a currently valid OMB Control Number.

ATTACHMENT K

Certifications of Compliance with PHA Plan and Related Regulations (Standard, Troubled, HCV-Only, and High Performer PHAs)

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
OMB No. 2577-0226
Expires 3/31/2024

PHA Certifications of Compliance with PHA Plan, Civil Rights, and Related Laws and Regulations including PHA Plan Elements that Have Changed

Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairperson or other authorized PHA official if there is no Board of Commissioners, I approve the submission of the ___ 5-Year and/or _X_ Annual PHA Plan, hereinafter referred to as "the Plan", of which this document is a part, and make the following certification and agreements with the Department of Housing and Urban Development (HUD) for the PHA fiscal year beginning 7/1/2023_, in connection with the submission of the Plan and implementation thereof:

1. The Plan is consistent with the applicable comprehensive housing affordability strategy (or any plan incorporating such strategy) for the jurisdiction in which the PHA is located (24 CFR § 91.2).
2. The Plan contains a certification by the appropriate State or local officials that the Plan is consistent with the applicable Consolidated Plan, which includes a certification that requires the preparation of an Analysis of Impediments (AI) to Fair Housing Choice, or Assessment of Fair Housing (AFH) when applicable, for the PHA's jurisdiction and a description of the manner in which the PHA Plan is consistent with the applicable Consolidated Plan (24 CFR §§ 91.2, 91.225, 91.325, and 91.425).
3. The PHA has established a Resident Advisory Board or Boards, the membership of which represents the residents assisted by the PHA, consulted with this Resident Advisory Board or Boards in developing the Plan, including any changes or revisions to the policies and programs identified in the Plan before they were implemented, and considered the recommendations of the RAB (24 CFR 903.13). The PHA has included in the Plan submission a copy of the recommendations made by the Resident Advisory Board or Boards and a description of the manner in which the Plan addresses these recommendations.
4. The PHA provides assurance as part of this certification that:
 - (i) The Resident Advisory Board had an opportunity to review and comment on the changes to the policies and programs before implementation by the PHA;
 - (ii) The changes were duly approved by the PHA Board of Directors (or similar governing body); and
 - (iii) The revised policies and programs are available for review and inspection, at the principal office of the PHA during normal business hours.
5. The PHA made the proposed Plan and all information relevant to the public hearing available for public inspection at least 45 days before the hearing, published a notice that a hearing would be held and conducted a hearing to discuss the Plan and invited public comment.
6. The PHA certifies that it will carry out the public housing program of the agency in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d-2000d-4), the Fair Housing Act (42 U.S.C. 3601-19), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), title II of the Americans with Disabilities Act (42 U.S.C. 12101 et seq.), and other applicable civil rights requirements and that it will affirmatively further fair housing in the administration of the program. In addition, if it administers a Housing Choice Voucher Program, the PHA certifies that it will administer the program in conformity with the Fair Housing Act, title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, title II of the Americans with Disabilities Act, and other applicable civil rights requirements, and that it will affirmatively further fair housing in the administration of the program.
7. The PHA will affirmatively further fair housing, which means that it will take meaningful actions to further the goals identified in the Assessment of Fair Housing (AFH) conducted in accordance with the requirements of 24 CFR § 5.150 through 5.180, that it will take no action that is materially inconsistent with its obligation to affirmatively further fair housing, and that it will address fair housing issues and contributing factors in its programs, in accordance with 24 CFR § 903.7(o)(3). The PHA will fulfill the requirements at 24 CFR § 903.7(o) and 24 CFR § 903.15(d). Until such time as the PHA is required to submit an AFH, the PHA will fulfill the requirements at 24 CFR § 903.7(o) promulgated prior to August 17, 2015, which means that it examines its programs or proposed programs; identifies any impediments to fair housing choice within those programs; addresses those impediments in a reasonable fashion in view of the resources available; works with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement; and maintains records reflecting these analyses and actions.
8. For PHA Plans that include a policy for site-based waiting lists:
 - The PHA regularly submits required data to HUD's 50058 PIC/IMS Module in an accurate, complete and timely manner (as specified in PIH Notice 2011-65);

- The system of site-based waiting lists provides for full disclosure to each applicant in the selection of the development in which to reside, including basic information about available sites; and an estimate of the period of time the applicant would likely have to wait to be admitted to units of different sizes and types at each site;
 - Adoption of a site-based waiting list would not violate any court order or settlement agreement or be inconsistent with a pending complaint brought by HUD;
 - The PHA shall take reasonable measures to assure that such a waiting list is consistent with affirmatively furthering fair housing; and
 - The PHA provides for review of its site-based waiting list policy to determine if it is consistent with civil rights laws and certifications, as specified in 24 CFR 903.7(o)(1).
9. The PHA will comply with the prohibitions against discrimination on the basis of age pursuant to the Age Discrimination Act of 1975.
 10. In accordance with 24 CFR § 5.105(a)(2), HUD's Equal Access Rule, the PHA will not make a determination of eligibility for housing based on sexual orientation, gender identify, or marital status and will make no inquiries concerning the gender identification or sexual orientation of an applicant for or occupant of HUD-assisted housing.
 11. The PHA will comply with the Architectural Barriers Act of 1968 and 24 CFR Part 41, Policies and Procedures for the Enforcement of Standards and Requirements for Accessibility by the Physically Handicapped.
 12. The PHA will comply with the requirements of Section 3 of the Housing and Urban Development Act of 1968, Employment Opportunities for Low-or Very-Low Income Persons, and with its implementing regulation at 24 CFR Part 135.
 13. The PHA will comply with acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and implementing regulations at 49 CFR Part 24 as applicable.
 14. The PHA will take appropriate affirmative action to award contracts to minority and women's business enterprises under 24 CFR 5.105(a).
 15. The PHA will provide the responsible entity or HUD any documentation that the responsible entity or HUD needs to carry out its review under the National Environmental Policy Act and other related authorities in accordance with 24 CFR Part 58 or Part 50, respectively.
 16. With respect to public housing the PHA will comply with Davis-Bacon or HUD determined wage rate requirements under Section 12 of the United States Housing Act of 1937 and the Contract Work Hours and Safety Standards Act.
 17. The PHA will keep records in accordance with 2 CFR 200.333 and facilitate an effective audit to determine compliance with program requirements.
 18. The PHA will comply with the Lead-Based Paint Poisoning Prevention Act, the Residential Lead-Based Paint Hazard Reduction Act of 1992, and 24 CFR Part 35.
 19. The PHA will comply with the policies, guidelines, and requirements of 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Financial Assistance, including but not limited to submitting the assurances required under 24 CFR §§ 1.5, 3.115, 8.50, and 107.25 by submitting an SF-424, including the required assurances in SF-424B or D, as applicable.
 20. The PHA will undertake only activities and programs covered by the Plan in a manner consistent with its Plan and will utilize covered grant funds only for activities that are approvable under the regulations and included in its Plan.
 21. All attachments to the Plan have been and will continue to be available at all times and all locations that the PHA Plan is available for public inspection. All required supporting documents have been made available for public inspection along with the Plan and additional requirements at the primary business office of the PHA and at all other times and locations identified by the PHA in its PHA Plan and will continue to be made available at least at the primary business office of the PHA.
 22. The PHA certifies that it is in compliance with applicable Federal statutory and regulatory requirements, including the Declaration of Trust(s).

Grand Rapids Housing Commission
PHA Name

MI073
PHA Number/HA Code

X Annual PHA Plan for Fiscal Year 2024

5-Year PHA Plan for Fiscal Years 20__ - 20__

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. **Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802).

Name of Executive Director Lindsey S. Reames

Name Board Chairman Monica Steimle-App


Signature Date 3-21-23


Signature Date 3/21/23

The United States Department of Housing and Urban Development is authorized to solicit the information requested in this form by virtue of Title 12, U.S. Code, Section 1701 et seq., and regulations promulgated thereunder at Title 12, Code of Federal Regulations. Responses to the collection of information are required to obtain a benefit or to retain a benefit. The information requested does not lend itself to confidentiality. This information is collected to ensure compliance with PHA Plan, Civil Rights, and related laws and regulations including PHA plan elements that have changed.

Public reporting burden for this information collection is estimated to average 0.16 hours per year per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. HUD may not collect this information, and respondents are not required to complete this form, unless it displays a currently valid OMB Control Number.

Civil Rights Certification (Qualified PHAs)

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
OMB Approval No. 2577-0226
Expires 3/31/2024

Civil Rights Certification

Annual Certification and Board Resolution

Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairperson or other authorized PHA official if there is no Board of Commissioners, I approve the submission of the 5-Year PHA Plan, hereinafter referred to as "the Plan", of which this document is a part, and make the following certification and agreements with the Department of Housing and Urban Development (HUD) for the fiscal year beginning 7/1/2023 in which the PHA receives assistance under 42 U.S.C. 1437f and/or 1437g in connection with the mission, goals, and objectives of the public housing agency and implementation thereof:

The PHA certifies that it will carry out the public housing program of the agency in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d-2000d—4), the Fair Housing Act (42 U.S.C. 3601-19), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), title II of the Americans with Disabilities Act (42 U.S.C. 12101 *et seq.*), and other applicable civil rights requirements and that it will affirmatively further fair housing in the administration of the program. In addition, if it administers a Housing Choice Voucher Program, the PHA certifies that it will administer the program in conformity with the Fair Housing Act, title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, title II of the Americans with Disabilities Act, and other applicable civil rights requirements, and that it will affirmatively further fair housing in the administration of the program. The PHA will affirmatively further fair housing, which means that it will take meaningful actions to further the goals identified in the Assessment of Fair Housing (AFH) conducted in accordance with the requirements of 24 CFR § 5.150 through 5.180, that it will take no action that is materially inconsistent with its obligation to affirmatively further fair housing, and that it will address fair housing issues and contributing factors in its programs, in accordance with 24 CFR § 903.7(o)(3). The PHA will fulfill the requirements at 24 CFR § 903.7(o) and 24 CFR § 903.15(d). Until such time as the PHA is required to submit an AFH, the PHA will fulfill the requirements at 24 CFR § 903.7(o) promulgated prior to August 17, 2015, which means that it examines its programs or proposed programs; identifies any impediments to fair housing choice within those programs; addresses those impediments in a reasonable fashion in view of the resources available; works with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement; and maintains records reflecting these analyses and actions.

Grand Rapids Housing Commission
PHA Name

MI073
PHA Number/HA Code

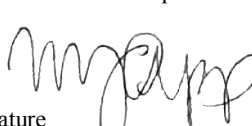
I hereby certify that all the statement above, as well as any information provided in the accompaniment herewith, is true and accurate. **Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Executive Director: Lindsey S. Reames

Name of Board Chairperson: Monica Steimle-App


Signature

3-21-23
Date


Signature

3/21/23
Date

The United States Department of Housing and Urban Development is authorized to collect the information requested in this form by virtue of Title 12, U.S. Code, Section 1701 *et seq.*, and regulations promulgated thereunder at Title 12, Code of Federal Regulations. Responses to the collection of information are required to obtain a benefit or to retain a benefit. The information requested does not lend itself to confidentiality. The information is collected to ensure that PHAs carry out applicable civil rights requirements.

Public reporting burden for this information collection is estimated to average 0.16 hours per response, including the time for reviewing instructions, searching existing data sources, gathering, and maintaining the data needed, and completing and reviewing the collection of information. HUD may not collect this information, and respondents are not required to complete this form, unless it displays a currently valid OMB Control Number.